United Nations

Report of the Committee on the Rights of the Child

General Assembly
Official Records
Fifty-fifth session
Supplement No. 41 (A/55/41)

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United Nations • New York, 2000

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ISSN 1020-1823

[8 May 2000]

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I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD AT ITS EIGHTEENTH TO TWENTY-SECOND SESSIONS

A. Children in armed conflict

Nineteenth session, recommendation

The Committee on the Rights of the Child,

Recalling that at its second session, in 1992, the Committee devoted one day to a general discussion on the topic "Children in armed conflict" at which the relevance and adequacy of existing standards were discussed,

Noting the similarity of the conclusions on the negative effects of armed conflict on children reached by the expert of the Secretary-General in her 1996 study entitled "The impact of armed conflict on children" (A/51/306 and Add.1) and by the Special Representative of the Secretary-General on the impact of armed conflict on children,

Recalling that at its third session it prepared a preliminary draft optional protocol to the Convention on the Rights of the Child (E/CN.4/1994/91, annex), which it submitted to the Commission on Human Rights at its fiftieth session,

Having welcomed the subsequent decision of the Commission on Human Rights, as contained in its resolution 1994/91, to establish an open-ended inter-sessional working group to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

Noting that the working group has met yearly since 1995 and that it was unable at its fourth session, held in February 1998, to reach agreement on the draft text which could be adopted by consensus,

Welcoming Commission resolution 1998/76 and the request to the Secretary-General to invite the Committee, inter alia, to submit comments and suggestions on the report of the working group,

Reiterating its growing alarm, upon its examination of a large number of reports of States parties on their implementation of the Convention on the Rights of the Child, at the deeply tragic consequences of the involvement of children in armed conflict,

1. Expresses its concern at the delays experienced in the process of drafting and adopting the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

2. Recalls that the function of optional protocols is to promote the progressive development of international law by enabling those States that are willing to adopt more demanding standards to do so;

3. Reaffirms its belief that this new legal instrument is urgently needed in order to strengthen the levels of protection ensured by the Convention;

4. Stresses the special responsibility of States parties to the Convention on the Rights of the Child in the search for the most protective solutions, guided by the best interests of the child,

5. Recalls its major recommendation on the fundamental importance of raising the age of all forms of recruitment of children into the armed forces to 18 years and the prohibition of their involvement in hostilities;

6. Also recalls that adoption of the optional protocol will provide an opportunity for States parties that are in a position to do so, and them alone, to accept its provisions by ratification or adherence;

7. Expresses the hope that States that are not yet in a position to accept the eighteen-year age-limit will not prevent the adoption of the optional protocol by other Governments;

8. Invites States parties to make every effort to facilitate the adoption of the optional protocol on the involvement of children in armed conflict before the tenth anniversary of the adoption of the Convention on the Rights of the Child.

B. The administration of juvenile justice

Twenty-first session, recommendation

The Committee on the Rights of the Child,

Bearing in mind that the implementation of articles 37, 40 and 39 of the Convention on the Rights of the Child must be considered in conjunction with all the other provisions and principles of the Convention and should take into account other existing international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), adopted by the General Assembly by its resolution 40/33 of 29 November 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency ("The Riyadh Guidelines"), adopted and proclaimed by the Assembly by its resolution 45/112 of 14 December 1990, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the Assembly by resolution 45/113 of 14 December 1990, and the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997,

Recalling that since the beginning of its work, the administration of juvenile justice has received consistent and systematic attention from the Committee in the form of concrete recommendations in the concluding observations adopted in relation to States parties' reports, Noting that the experience of the Committee in its review of reports presented by States parties on their implementation of the Convention on the Rights of the Child has shown that in all regions of the world and in relation to all legal systems, the provisions of the Convention relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice, giving cause for serious concern,

Recalling that at its tenth session in 1995 the Committee devoted one day to a general discussion on the administration of juvenile justice, emphasizing the implementation of existing international standards and the need to strengthen international cooperation both within and outside the United Nations system (see CRC/C/46, paras. 203-238),

Welcoming the establishment, as recommended in the Guidelines for Action on Children in the Criminal Justice System, of the Coordination Panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance,

1. Calls upon States parties to give urgent attention to undertaking all appropriate legislative, administrative and other measures for the full implementation of the provisions of the Convention and existing international standards relating to the administration of juvenile justice;

2. Stresses the importance of identifying and understanding the legal, social, financial and other obstacles preventing the full implementation of the provisions of the Convention and existing international standards relating to the administration of juvenile justice and of designing ways and means to overcome these obstacles, including raising awareness and strengthening technical assistance;

3. Requests the United Nations High Commissioner for Human Rights to give priority to promoting the implementation of the provisions of the Convention and existing international standards relating to the administration of juvenile justice, to consider what steps might be taken to identify obstacles preventing their full implementation and to design ways and means to overcome these obstacles, including raising awareness and strengthening technical assistance, in cooperation with United Nations bodies and agencies, and other partners;

4. Suggests that the High Commissioner for Human Rights, in accordance with her mandate as the coordinator of the human rights promotion and protection activities throughout the United Nations system, as stated in General Assembly resolution 48/141 of 20 December 1993, encourage all appropriate United Nations bodies and agencies to enhance their work in the area of the administration of juvenile justice and to use the Convention on the Rights of the Child as their main tool to achieve this objective, and to facilitate their work in that regard;

5. Invites the High Commissioner to inform the Committee of progress made in the implementation of the present recommendation.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 28 January 2000, the closing date of the twenty-third session of the Committee on the Rights of the Child, there were 191 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

B. Sessions of the Committee

2. The Committee has held six sessions since the adoption of its previous biennial report. The reports of the Committee on its eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sessions are contained in documents CRC/C/79, CRC/C/80, CRC/C/84, CRC/C/87, CRC/C/90 and CRC/C/94, respectively.

C. Membership and officers of the Committee

3. In accordance with article 43 of the Convention, the Seventh Meeting of the States Parties to the Convention was convened on 16 February 1999 at United Nations Headquarters. The following five members of the Committee were elected or re-elected for a term of four years beginning on 28 February 1999: Mr. Jacob Egbert Doek, Mrs. Amina Hamza El Guindi, Mrs. Judith Karp, Mrs. Awa N'Deye Ouedraogo and Mrs. Elisabeth Tigerstedt-Tähtelä. The list of the members of the Committee, with an indication of their term of office, appears in annex II to the present report.

4. At the twenty-second session, in accordance with article 43, paragraph 7, of the Convention and rule 14 of the Committee's provisional rules of procedure, Mrs. Nafsiah Mboi informed the Committee of her decision to cease to function as member of the Committee. By note verbale dated 29 October 1999, the Government of the Republic of Indonesia informed the Secretary-General of the appointment of Mrs. Lily I. Rilantono as expert of the Committee for the remainder of the term of Mrs. Mboi. At the start of the twenty-third session, the Committee approved the appointment of Mrs. Rilantono by secret ballot, in accordance with rule 14 of its provisional rules of procedure.

5. The officers who had been elected by the Committee at its fifteenth session continued to hold office at the eighteenth, nineteenth and twentieth sessions. They were Ms. Sandra Prunella Mason (Barbados), Chairperson; Mrs. Judith Karp (Israel), Mr. Youri Kolosov (Russian Federation) and Mr. Ghassan Salim Rabah (Lebanon), Vice-Chairpersons; and Mrs. Nafsiah Mboi (Indonesia), Rapporteur.

6. At its 534th meeting (twenty-first session), on 17 May 1999, the Committee elected the following officers for a term of two years in accordance with rule 16 of its provisional rules of procedure:

Chairperson:	Mrs. Nafsiah Mboi (Indonesia)
Vice-Chairpersons:	Mrs. Margaret Queen Esther Mokhuane (South Africa) Mrs. Marilia Sardenberg (Brazil) Mr. Ghassan Salim Rabah (Lebanon)
Rapporteur:	Mr. Jacob Egbert Doek (Netherlands)

D. Adoption of the report

7. At its 615th meeting, on 28 January 2000, the Committee considered the draft of its fifth biennial report, covering its activities at the eighteenth to twenty-third sessions. The report was adopted unanimously by the Committee.

III. REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

8. The status of submission of reports by States parties under article 44 of the Convention as at 28 January 2000, the closing date of the twenty-third session of the Committee, appears in annex III to the present report.

9. As at 28 January 2000, the Committee had received 144 initial reports and 32 periodic reports. A total of 118 reports had been examined by the Committee.

10. During the period under consideration, the Committee received from a number of States parties additional information submitted in accordance with the recommendations made by the Committee in its concluding observations, or transmitting information and views of States parties with respect to the observations made by the Committee. (See CRC/C/79, para. 20; CRC/C/84, para. 22, and annex IV to the present document; and CRC/C/94, paras. 26-28.)

B. Consideration of reports

11. During its eighteenth to twenty-third sessions, the Committee considered the initial reports of Armenia, Austria, Barbados, Belize, Benin, Chad, the Democratic People's Republic of Korea, Ecuador, Guinea, Grenada, Hungary, India, Iraq, Fiji, Japan, Kuwait, Luxembourg, the Maldives, Mali, the Netherlands, Sierra Leone, St. Kitts and Nevis, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Vanuatu and Venezuela. During the same period, the Committee also considered the second periodic reports of Bolivia, Costa Rica, Honduras, Nicaragua, Mexico, Peru, the Russian Federation, Sweden and Yemen.

12. The following section, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of reports at its eighteenth to twenty-third sessions, contains concluding observations reflecting the main points of the discussion and indicating, where necessary, issues that would require a specific follow-up.

13. More detailed information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

1. Concluding observations: Hungary

14. The Committee considered the initial report of Hungary (CRC/C/8/Add.34) at its 455th to 457th meeting (see CRC/C/SR.455-457), held on 19 and 20 May 1998 and at its 477th meeting, held on 5 June 1998 adopted the following concluding observations.

(a) Introduction

15. The Committee takes note of the submission of the initial report of the State party. It welcomes the written answers to the list of issues (CRC/C/Q/HUN/1) and the additional information submitted in the course of the dialogue with the Committee, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the frank, self-critical and cooperative tone of the dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a highly representative delegation, directly involved in the implementation of the Convention in Hungary, enabled it to engage in a constructive dialogue.

(b) Positive aspects

16. The Committee welcomes the establishment of the Coordination Council for Children and Youth Affairs, chaired by the Prime Minister, and the Child and Youth Council for Reconciliation of Interests, composed of representatives from the Government, youth organizations, and non-governmental organizations working for and with children.

17. The Committee notes with appreciation the long-standing achievements of the State party in the areas of education and medical care and welcomes its commitment to maintain these high standards.

18. The Committee welcomes the recent ratification by the State party of ILO Convention No. 138 regarding minimum age for access to work and the Framework Convention for the Protection of Minorities of the Council of Europe.

(c) Factors and difficulties impeding the implementation of the Convention

19. The Committee acknowledges that the State party has had to face economic, social and political challenges during the past few years. It notes that the transition to a market economy has led to increased rates of unemployment, poverty and other social problems, and has had a serious impact on the welfare of the population, in particular on all vulnerable groups, including children.

(d) Principal subjects of concern

20 The Committee remains concerned that despite recent measures in the field of law reform inconsistencies still exist between the provisions and principles of the Convention and domestic law

21 The Committee remains concerned by the absence of a comprehensive and integrated national policy on the promotion and protection of children's rights.

22 The Committee is concerned by the gaps in monitoring progress in all areas covered by the Convention and in relation to all groups of children living in urban and rural areas, especially those affected by the consequences of economic transition. The Committee is also concerned at the lack of disaggregated statistical data covering all children under the age of 18.

23 In view of the current trend towards decentralization in the State party, the Committee is concerned about the sustainability of the funding for the provision of health, education and social services for children. It is also concerned by the absence of a regulating and monitoring mechanism to ensure appropriate distribution of resources to children by local authorities.

24 Although aware of the initiatives already taken by the State party, the Committee remains concerned by the insufficiency of measures taken to disseminate information and educate all parts of society, adults and children alike, on the principles and provisions of the Convention. The Committee is also concerned about the fact that the Convention has not been made available in all the minority languages spoken in the State party, including Roma. Insufficient training on the Convention provided to professional groups such as judges, lawyers, law enforcement personnel, teachers, social workers and civil servants is also a matter of concern.

25 While the Committee welcomes the cooperation between non-governmental organizations working with and for children and the authorities, it is concerned that the potential of the non-governmental sector in contributing to the development of children's rights policies and programmes is not fully realized.

26 The Committee is concerned that the general principles of the Convention, as laid down in its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied or duly integrated into the implementation of the policies and programmes of the State party.

27 While the Committee notes with appreciation the measures taken by the State party, including the adoption of government resolution No. 1093/1997 on a package of medium-term measures intended to improve the living standards of the Roma population, it remains concerned about the persistence of discriminatory practices against this minority group.

28 Regarding the implementation of article 13 of the Convention, the Committee is concerned about the insufficient measures undertaken by the State party to promote children's right to participation within the family, at school, and in society in general. The Committee is also concerned about the restriction to the right of freedom of association (article 15 of the Convention), since there is no registry of associations managed by children.

29. The Committee is concerned by the cases of ill-treatment of children in the family and in institutions as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuses. Cases of ill-treatment by law enforcement personnel in or outside detention centres are also a matter of deep concern.

30. In light of the principles and provisions of the Convention, especially its articles 3, 7 and 21, the amendment to Act XV of 1990, which grants the parent the option of placing a child up for adoption before birth, is a matter of concern for the Committee.

31. While noting the State party's achievements with regard to infant and under-five mortality rates, universal immunization and low birth weights, as well as in the field of education, the Committee is still concerned, in light of the principle of non-discrimination (article 2 of the Convention), about the unequal access to health services and opportunities in the education system, especially in rural areas, among minority groups and families living in poverty.

32. The Committee is concerned about the insufficient awareness-raising campaign in health facilities on the benefits of breastfeeding.

33. The Committee expresses its concern that the legal and other measures being taken to address the problems of child abuse, including sexual abuse within the family, are insufficient. The Committee is also concerned about the lack of research on the issue of sexual abuse within the family.

34. The high rate of youth suicide is a matter of concern to the Committee. The Committee is also concerned about the insufficiency of measures taken to address adolescent health issues such as reproductive health and the incidence of early pregnancies. The Committee expresses its concern at the increase in drug abuse and alcohol consumption among children and the insufficient preventive measures taken by the State party.

35. The Committee is concerned about the insufficiency of legal and other measures to address the issue of sexual exploitation of children, including child prostitution and trafficking of children.

36. The Committee is concerned about the compatibility of the juvenile justice system in the State party with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned about the ill-treatment of children in detention centres, that deprivation of liberty is not used as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

(e) Suggestions and recommendations

37 The Committee recommends that the State party take all appropriate measures to facilitate the process of full harmonization of domestic legislation with the principles and provisions of the Convention in the form of a children's code, taking especially into account the holistic nature of this treaty.

38 The Committee recommends that the State party strengthen and expand the scope of existing mechanisms for coordinating and monitoring children's rights in order to reach local-level governments. In this regard, the Committee suggests that structures dealing with children's issues be established in the various local governments. The relationship between the Coordination Council for Children and Youth Affairs and the various relevant structures in the local governments needs to be defined.

39 The Committee recommends that the State party adopt a comprehensive and integrated policy for children such as a national plan of action to assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State to shape appropriate policies and to combat prevailing social disparities.

40 The Committee encourages the State party to ensure the full implementation of article 4 of the Convention in the light of the general principles of the Convention, in particular the best interests of the child. Available resources should be allocated to their maximum extent to ensure the implementation of economic, social and cultural rights, with particular emphasis on health and education, and on the enjoyment of these rights by the most disadvantaged groups of children. The Committee also emphasizes the need for the State party to take immediate steps to address the problem of child poverty and make every feasible effort to ensure that all families, particularly single-parent families and Roma families, have adequate resources and facilities. Furthermore, the Committee recommends that the local governments be encouraged to generate local income for funding social services, in particular for the protection and promotion of children's rights.

41 The Committee encourages the State party to strengthen its efforts to disseminate the principles and provisions of the Convention. The Convention should be made available in minority languages, especially Roma. Furthermore, training on the Convention should be conducted for professional groups such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, health personnel and psychologists, and social workers. The Convention should also be disseminated to non-governmental organizations, the mass media and the public at large including children themselves.

42 The Committee encourages the State party to continue and strengthen its efforts to develop a closer partnership with non-governmental organizations.

43 The Committee recommends that further efforts be made to ensure that national laws take fully into account the principles of non-discrimination, the best interests of the child, respect for

the views of the child, and his or her right to participate in the family, at school, other institutions, and in society in general. These principles should also be reflected in all policies and programmes relating to children.

44. The Committee encourages the State party to continue and reinforce its efforts aimed at reducing discriminatory practices against the Roma population and improving the general status of Roma children.

45. In light of articles 19 and 37 (a), the Committee strongly recommends that the State party take all appropriate measures to prevent and combat ill-treatment of children, including physical and sexual abuse within the family, at school and in childcare institutions. The Committee recommends that the State party undertake prevention campaigns, including through education, to protect children against abuse and maltreatment. Comprehensive studies on these issues should be initiated in order to understand them better and facilitate the elaboration of policies and programmes, including rehabilitation programmes, to combat them effectively.

46. The Committee recommends that the State party consider reviewing its legislation and practice relating to the possibility of placing a child up for adoption before birth. Furthermore, the Committee encourages the State party to consider accession to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

47. The Committee recommends that the State party envisage undertaking further measures to prevent and redress unequal access to health services and to the education system between the rural and urban population, and in particular to facilitate the access of Roma children to health and education. The Committee also recommends that health services and medical supplies be equally distributed between and within the local governments. Schools and vocational training should be made accessible to poor children and those living in rural areas, especially children belonging to the Roma population.

48. The Committee recommends that breastfeeding be promoted in health facilities.

49. With regard to adolescent health issues, the Committee recommends that in order to reduce the number of teenage pregnancies, reproductive health education programmes be strengthened and that information campaigns be launched concerning family planning and prevention of HIV/AIDS. Furthermore, the Committee encourages the State party to continue its efforts in undertaking comprehensive studies on suicide among youth to enable authorities to improve their understanding of this phenomenon and take appropriate measures to reduce the suicide rate. The Committee also recommends that the State party undertake further preventive and curative measures, including rehabilitation and reintegration programmes, to address the issue of drug abuse and alcohol consumption among adolescents.

50. The Committee encourages the State party to continue its efforts to prevent and combat the commercial sexual exploitation of children, especially the use of children in pornography and prostitution and the trafficking of children. Further studies and surveys should be conducted on this issue in order to design a comprehensive policy and programmes to address these phenomena. Rehabilitation and reintegration programmes should be developed for victims of sexual abuse and exploitation.

51. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, and other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to addressing issues such as the ill-treatment of children in detention centres, the use of deprivation of liberty other than as a measure of last resort, and the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose, inter alia from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

52. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

2. Concluding observations: Democratic People's Republic of Korea

53. The Committee considered the initial report of the Democratic People's Republic of Korea (CRC/C/3/Add.41) at its 458th to 460th meetings (CRC/C/SR.458-460), held on 20 and 22 May 1998 and at the 477th meeting, held on 5 June 1998 adopted the following concluding observations.

(a) Introduction

54. The Committee takes note of the initial report and written answers to the list of issues (CRC/C/Q/DPRK/1) submitted by the State party. The Committee notes that after having requested postponement of the consideration of its report initially scheduled for the sixteenth session, the State party sent a highly representative delegation to the present session. The Committee also takes note of the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated the policy and programme directions, as well as the obstacles and difficulties encountered in implementing the Convention.

(b) Positive aspects

55. The Committee takes note of the fact that international instruments, including the Convention on the Rights of the Child, have the same status as domestic law and can be invoked before the courts.

56. The Committee notes with appreciation that both education and health services are free of charge in the State party.

57. The Committee takes note of the willingness of the State party to engage in international cooperation programmes to facilitate the full implementation of the Convention on the Rights of the Child. In this regard, the Committee takes note of the areas identified by the State party as requiring technical cooperation, such as nutrition, health, educational support materials, collecting and processing data and statistics, and monitoring, training and providing appropriate support to children with disabilities.

(c) Factors and difficulties impeding the implementation of the Convention

58. The Committee takes note of the difficulties faced by the State party in its implementation of the Convention as a result of the dissolution of its traditional economic ties and of the 1995 and 1996 floods, which have had a very serious impact on the whole society.

(d) Principal subjects of concern

59. The Committee is very concerned by the increase in the child mortality rate resulting from malnutrition that affects the most vulnerable children, including those living in institutions. It is also concerned at the deterioration of the health status of children, resulting mainly from shortages of food, medicine and clean water.

60. In light of article 4 of the Convention, the Committee is concerned that insufficient attention has been paid in allocating budgetary resources in favour of children "to the maximum extent of ... available ... and, where needed, within the framework of international cooperation".

61. The Committee is concerned at the lack of a specific mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children especially the most vulnerable ones, in urban and rural areas.

62. The State party's limited capacity for developing specific disaggregated indicators to evaluate progress and assess the impact of existing policies on all children is a matter of concern.

63. While noting the efforts undertaken by the State party for child welfare, the Committee is concerned that the national strategy, policies and programmes for children do not yet fully reflect the rights-based approach enshrined in the Convention. Furthermore, the Committee is concerned that the general principles of the Convention, as laid down in its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully integrated into the legislation, policies and programmes relevant to children, in particular in relation to children belonging to vulnerable categories such as children living in remote areas, children with disabilities and children in institutions.

64. The Committee notes that insufficient measures have been taken to disseminate and raise awareness about the principles and provisions of the Convention in all parts of society, among children and adults alike, in conformity with article 42 of the Convention.

65. The Committee is concerned that corporal punishment is still used, especially within the family environment and in institutions, and by the fact that no comprehensive strategy exists to eradicate this form of violence, in light of, inter alia, articles 3, 19 and 28 of the Convention.

66. The Committee is concerned by the unresolved family reunification cases, in light of, inter alia, articles 3 and 9 of the Convention.

67. The Committee is worried about the increasing problems of environmental degradation in the State party, which have a harmful impact on the health of children.

68. The Committee expresses its concern about de facto discriminatory attitudes that may occur against children with disabilities and at the insufficient measures taken by the State party to ensure that these children have effective access to health, education and social services, and to facilitate their full inclusion in society. The Committee is also concerned about the small number of well-trained professionals dealing with children with disabilities.

69. The Committee is concerned about the insufficiency of measures taken to understand and address adolescent health issues, such as teenage suicides, reproductive health and early pregnancies.

70. In light of the principles and provisions of the Convention, especially its articles 3, 5 and 19, the Committee expresses its concern that the phenomenon of child abuse and ill-treatment within the family is not adequately addressed.

71. The administration of juvenile justice, and in particular its compatibility with articles 37, 40, and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee remains particularly concerned, inter alia, about the rights of the child to legal assistance, judicial review and periodic review of placement. It is also concerned that persons between the ages of 17 and 18 are considered by the penal system as adults. Although the Committee was informed that no child can be sentenced to death, it remains concerned as to whether a person between 17 and 18 is considered an adult in this particular regard.

(e) Suggestions and recommendations

72. The Committee encourages the State party to continue to prevent and combat malnutrition in children with all appropriate measures, through budgetary allocations in favour of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

73. The Committee recommends that the State party fully harmonize its legislation with the principles and provisions of the Convention. It also encourages the State party to envisage adopting comprehensive legislation covering all areas of the rights of the child, such as a children's code. The Committee further recommends that the State party envisage ratifying major international human rights treaties to which it is not yet a party, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as they all have an impact on the rights of the child.

74. The Committee recommends that the State party give priority attention to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and in evaluating progress achieved in and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children living in remote areas, children with disabilities, children ill-treated and abused within the family as defined by article 19 of the Convention, and children living in institutions. International cooperation could be sought to this effect, including from UNICEF.

75. The Committee encourages the State party to consider the establishment of a specific mechanism to monitor fully the implementation of the Convention, especially for the most vulnerable groups of society.

76. The Committee recommends that consideration be given to incorporating the Convention in the curricula of all educational institutions and that appropriate measures be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts to providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, law enforcement personnel, army officials, teachers, health personnel including psychologists, school administrators, social workers, and personnel of childcare institutions. Furthermore, the Committee recommends that the State party reinforce its dissemination activities with regard to the Convention in the spirit of its article 42. International cooperation, especially from UNICEF, should be sought in this regard.

77. The Committee recommends that the State party take all appropriate measures to integrate fully the principles and provisions of the Convention, especially its general principles (arts. 2, 3, 6 and 12), in its legal system, strategies, policies and programmes for children with a view to recognizing the child as a full subject of law. In light of article 12 of the Convention, specific attention should be given to educating all sectors of society, especially parents and teachers, about the importance of children's participation and of dialogue between teachers, parents and children.

78. The Committee suggests that the State party take all appropriate measures, including of a legislative nature, to prevent and combat the use of corporal punishment, especially at home and in institutions. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.

79. The Committee recommends that the State party pursue its efforts to resolve family reunification cases in light of the principles and provisions of the Convention, especially articles 3 and 9.

80. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3).

81. In light of the provisions and principles of the Convention, especially articles 3 and 20, the Committee suggests that the State party consider reviewing its policies and programmes regarding institutional care with a view to supporting more family-oriented solutions.

82. The Committee recommends that the State party launch a comprehensive study to enhance the understanding of the nature and scope of child abuse and ill-treatment within the family, as defined by article 19 of the Convention, with a view to combating these harmful practices adequately.

83. In light of article 24 of the Convention, the Committee recommends that particular attention be given to the impact of environmental pollution on children and that a study be undertaken on this subject. International cooperation in this field should be considered.

84. The Committee suggests that the State party undertake a comprehensive study on the issues of reproductive health, youth suicides and early pregnancies so as to identify the scope of the problems and to devote adequate resources to preventing and combating these phenomena.

85. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, and envisage awareness-raising campaigns to reduce discrimination against disabled children and encourage their inclusion into society.

86. The Committee recommends that the State party take all necessary steps to bring its juvenile justice system into full conformity with the provisions and principles of the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the rights of children to prompt access to legal assistance, judicial review and periodic review of placement. The State party should furthermore envisage extending the special protection provided to children under penal law to all persons under 18 years old. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system.

87. Finally, the Committee recommends that the widest dissemination be given to the State party's report, the discussion on the report in the Committee and the concluding observations adopted following examination of the report.

3. Concluding observations: Fiji

88. The Committee considered the initial report of Fiji (CRC/C/28/Add.7) at its 461st and 462nd meetings (see CRC/C/SR.461-462), held on 25 May 1998 and at the 477th meeting, held on 5 June 1998 adopted the following concluding observations.

(a) Introduction

89. The Committee welcomes the submission of the State party's initial report, which followed the guidelines established by the Committee, and the written answers to the list of issues (CRC/C/Q/FIJ/1), which enabled the Committee to assess the situation of the rights of the child in the State party. The Committee also welcomes the frank, self-critical and cooperative dialogue with the State party's delegation.

(b) Positive aspects

90. The Committee appreciates the recent establishment of several administrative, monitoring and protection mechanisms on children's rights in the State party such as the Coordinating Committee on Children (CCC), the Children's Unit within the Ministry of Health and Social Welfare, and the Child Abuse Unit within the Police Department.

91. The Committee notes with appreciation the participation of non-governmental organizations in the CCC and in the elaboration of the State party's report.

92. The Committee takes note of the 1997 amendment to the Juvenile Act regarding the prevention of child pornography.

(c) Factors and difficulties impeding the implementation of the Convention

93. The Committee takes note of the particular nature of the State party, its geographical configuration comprising 330 islands, the relatively small population composed of a number of different and isolated communities, as well as the recent changes in the economic structure.

(d) Principal subjects of concern

94. While noting the measures envisaged by the State party in the field of law reform, the Committee expresses its concern at the need to harmonize the legislation of the State party fully with the principles and provisions of the Convention. In this regard, it is also concerned at the slow pace in the process of enactment of the Children's and Young Persons' Act.

95. Although the Committee is aware of the existing coordinating and monitoring mechanisms, it is concerned about the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including those belonging to minority groups, children living in institutional care, girl children, and children living in rural areas.

96. The Committee is concerned about the lack of an independent complaint and monitoring mechanism for children, such as an Ombudsperson or a Commissioner for Children.

97. The Committee is concerned that despite the efforts undertaken by the State party in identifying priority areas for budgetary allocation of resources for the benefit of children, insufficient human and financial resources are allocated for the full implementation of the provisions of the Convention.

98. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children in the provisions and principles of the Convention, as well as to translate the Convention into the Fijian and Hindi languages, the Committee is of the view that these measures are insufficient. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children.

99. The Committee is concerned about the fact that the State party does not appear to have fully taken into account the general principles contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

100. The Committee expresses its concern at the fact that the minimum age for marriage, set at 16 for girls and at 18 for boys, is discriminatory and contrary to the principles of the Convention.

101. With regard to the implementation of article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized by the Convention, in particular in relation to access to education and health services. Of particular concern are certain vulnerable groups of children, especially the girl child, children with disabilities, children living in rural areas or in slums, and children born out of wedlock. In this regard, the Committee considers that the use of the term "illegitimate children" (ex-nuptial children) in the law is contrary to the principle of non-discrimination contained in article 2 of the Convention.

102. The Committee is concerned about the lack of conformity of the birth registration system with all the requirements of article 7 of the Convention.

103. While aware of the initiative presented by the CCC to Fiji's Law Reform Commission for the legal prohibition of the use of corporal punishment, the Committee remains concerned that corporal punishment is still used by parents and that internal school regulations do not contain explicit provisions prohibiting this harmful practice, in conformity with, inter alia, articles 3, 19 and 28 of the Convention.

104. The Committee is concerned at the insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse.

105. Although the Committee is aware that the existing legislation on adoption is being re-examined, it is concerned that the current legislation does not reflect the principles and provisions of the Convention and does not effectively protect children against illicit transfer and non-return.

106. While the Committee acknowledges the State party's efforts to reduce the infant mortality rate and the under-five mortality rate, it is still concerned about the prevalence of malnutrition and high rates of maternal mortality, as well as the limited access to health services on remote islands.

107. While the Committee takes note of the efforts undertaken by the State party in the field of adolescent health, it is particularly concerned at the high and increasing rate of early pregnancies, the incidence of sexually transmitted diseases among the youth, the occurrence of teenage suicide, the insufficient access by teenagers to reproductive health education and counselling services, including outside schools, and the insufficient preventive measures on HIV/AIDS.

108. With regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

109. While taking note that a compulsory primary education system was gradually established in 1997, the Committee is concerned about the fact that this system is not yet fully in place. The Committee also expresses its concern regarding the high drop-out rates as well as at the unequal access to quality education. It is further concerned about the absence of a public pre-school system in the State party.

110. The Committee is concerned about the existing low minimum age for access to work, set at 12 years. The Committee is concerned about the lack of data on child labour and economic exploitation, including sexual exploitation of children.

111. The Committee is concerned about the insufficient measures to address issues of drug and alcohol abuse which are increasingly affecting children in the State party.

112. The Committee expresses its concern at the insufficient rehabilitation measures for ill-treated, sexually abused and economically exploited children as well as their limited access to the justice system.

113. While the Committee takes note that the administration of juvenile justice is regulated by the Juvenile Act, it is concerned about the full compatibility of this legislation with articles 37, 40 and 39 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned at the lack of legal counselling for children in care centres, that detention is not being used as a measure of last resort, and about the poor state of detention centres. With regard to the minimum age for criminal responsibility, though the

Committee is aware that juvenile offenders aged 10 to 17 enjoy a special judicial procedure, it is especially concerned about the low minimum age for criminal responsibility, set at 10 years. The fact that children aged between 17 and 18 years are not considered under the juvenile justice system is also a matter of concern.

(e) Suggestions and recommendations

114. The Committee encourages the State party to take all necessary measures to accelerate the process for the enactment of the Children's and Young Persons' Act as well as other legislation related to children's rights. The Committee also recommends that the State party ensure that its domestic legislation fully conforms with the provisions and the principles of the Convention. The Committee further recommends that the principles and provisions of the Convention be taken into account in the Constitutional Amendment Bill (1997). In this regard, it also recommends that a specific reference to the Convention on the Rights of the Child be envisaged.

115. The Committee recommends that the State party envisage ratifying all other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which all have an impact on the rights of the child.

116. The Committee recommends that the State party strengthen its coordination efforts through the Coordinating Committee on Children. It also recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNICEF.

117. The Committee encourages the State party to give further consideration to the establishment of an Ombudsperson for Children or any equivalent independent complaint and monitoring mechanism.

118. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure the appropriate distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention).

119. The Committee recommends that the State party harmonize the minimum age for marriage with the principles and provisions of the Convention.

120. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention (arts. 2, 3, 6 and 12) not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative

proceedings and in the development and implementation of all projects, programmes and services which have an impact on children. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the right to participation of children in the light of article 12 of the Convention.

121. The Committee recommends that a more active approach be taken to eliminate discrimination against certain groups, in particular the girl child, children with disabilities, children in institutional care, children living in rural areas, poor children such as those living in slums, and children born out of wedlock (ex-nuptial children).

122. The Committee recommends that the State party take all appropriate measures to improve its birth registration system in light of article 7 of the Convention. The Committee also recommends that the State party launch awareness-raising campaigns regarding the parents' duty to register newborn children.

123. The Committee recommends that corporal punishment be comprehensively prohibited by law and that measures be taken to raise awareness on the negative effects of corporal punishment and to ensure that discipline in schools, families and institutional care is administrated in a manner consistent with the child's dignity, in light of article 28 of the Convention.

124. In light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment within the family, including domestic violence and sexual abuse of children. It suggests, inter alia, that the authorities set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.

125. In light of, inter alia, articles 3, 10 and 21 of the Convention, the Committee encourages the State party to accelerate the process of reform of its legislation relating to adoption and to illicit transfer and non-return. The Committee suggests that the State party envisage acceding to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

126. The Committee recommends that the State party promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, especially early pregnancies. The Committee also recommends that further efforts, both financial and human, be undertaken to develop child-friendly care and rehabilitation facilities for adolescents and their families.

127. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of disabled children, envisage awareness-raising campaigns to reduce discrimination against disabled children, establish special education programmes and centres for

disabled children and encourage their inclusion into society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and the World Health Organization can be sought to this effect.

128. The Committee recommends that the State party undertake all appropriate measures to accelerate the full implementation of the compulsory education system and to improve the access to education of the most vulnerable groups of children.

129. The Committee recommends that further measures, including legal reform, be taken to fully implement the provisions of article 32 of the Convention and other related international instruments. The Committee encourages the State party to consider acceding to ILO Convention No. 138 regarding minimum age for access to work. Furthermore, efforts should be undertaken to prevent and combat economic exploitation, or any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to the conditions of children working within their families, in order to protect them fully. The Committee recommends that the State party envisage seeking technical cooperation from, inter alia, UNICEF and the ILO in this area.

130. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children, and take all appropriate measures including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.

131. The Committee recommends that further measures, including legal reform, be taken to fully implement the provisions of article 34 of the Convention, to prevent and combat sexual economic exploitation of children, including the use of children in prostitution and pornography and the trafficking and abduction of children.

132. In light of article 39 of the Convention, the Committee recommends that the State party undertake further efforts to establish rehabilitation centres for child victims of ill-treatment, sexual abuse and economic exploitation.

133. With regard to the administration of juvenile justice, the Committee recommends that the State party take all measures to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, its laws, its policies, programmes and practices. In particular, the Committee recommends that it review the provision governing legal counselling for children in care centres in conflict with the law, that detention be used only as a measure of last resort, and that conditions in detention centres be improved. The Committee strongly recommends that the State party raise the minimum age for criminal responsibility and raise to 18 years the age of persons considered under the juvenile justice system. Furthermore, the Committee recommends that the State party consider seeking international assistance from,

inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

134. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

4. Concluding observations: Japan

135. The Committee considered the initial report of Japan (CRC/C/41/Add.1) at its 465th to 467th meetings (CRC/C/SR.465 to 467) held on 27 and 28 May 1998 and at the 477th meeting, held on 5 June 1998 adopted the following concluding observations.

(a) Introduction

136. The Committee expresses its appreciation to the State party for the submission of its initial report, which followed the guidelines set by the Committee on the Rights of the Child, as well as for the written answers to its list of issues (CRC/C/Q/JAP/1). It takes note of the supplementary information provided by the delegation during the consideration of its report and the constructive dialogue with the multidisciplinary delegation of the State party.

(b) Positive factors

137. The Committee notes the efforts by the State party in the field of law reform. The Committee welcomes the amendments to the Child Welfare Law adopted in 1997 as well as the decision in May 1998 aimed at ensuring that all single mothers have the right to a child allowance for children born out of wedlock. The Committee also takes note of the 1996 revision of the immigration rules regarding residency status for foreign mothers who raise children of Japanese nationals.

138. The Committee welcomes the information given by the delegation that the State party is currently considering ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

139. The Committee welcomes the State party's initiative to convene a "Children's Diet" as a means of realizing an important dimension of article 12 of the Convention.

(c) Principal subjects of concern

140. The Committee notes with concern the reservation made by the State party to article 37 (c) of the Convention, as well as the declarations made in relation to articles 9, paragraph 1, and 10, paragraph 1.

141. The Committee notes with concern that although the Convention on the Rights of the Child has precedence over domestic legislation and can be invoked before domestic courts, in practice courts in their rulings usually do not directly apply international human rights treaties in general and the Convention on the Rights of the Child in particular.

142. While noting the establishment of the Management and Coordination Agency and the Committee for the Promotion of Youth Policy, the Committee is nevertheless concerned about their limited mandate and the insufficient measures adopted to ensure effective coordination between different governmental departments competent in areas covered by the Convention, as well as between the central and local authorities. The Committee is concerned that this may result not only in a lack of coordination of governmental action, but also in inconsistency.

143. The Committee notes with concern the insufficient measures to collect disaggregated statistical data, including data related to the registration of complaints from children, and other information on the situation of children, especially those belonging to the most vulnerable groups, including children with disabilities, children placed in institutions and children belonging to national and ethnic minorities.

144. The Committee is concerned at the absence of an independent body with a mandate to monitor the implementation of the rights of children. It notes that the monitoring system of "Civil Liberties Commissioners for the Rights of the Child" in its present form lacks independence from the Government as well as the authority and powers necessary to fully ensure the effective monitoring of children's rights.

145. While recognizing the efforts of the State party in this respect, the Committee is concerned that insufficient measures have been taken to disseminate and promote widespread awareness in all parts of society, among children and adults alike, about the principles and provisions of the Convention and particularly the importance that the Convention attaches to the notion of the child as a full subject of rights. The Committee is also concerned that the Convention has not been made available in any minority language and at the insufficient steps taken to provide relevant professional groups with training in the rights of the child.

146. While noting with appreciation the active participation of non-governmental organizations in issues related to children's rights, the Committee is concerned that the knowledge and expertise of civil society is not adequately utilized at the present stage of cooperation between the authorities and NGOs, which leads to insufficient participation of NGOs in all stages of implementation of the Convention.

147. The Committee is concerned that the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to national and ethnic minorities, especially Ainu and Koreans, children with disabilities, children in institutions or deprived of liberty and children born out of wedlock. The Committee is particularly concerned about unequal access by children of Korean origin to institutions of higher education and the difficulties encountered by children in general in exercising their right to participate (art. 12) in all parts of society, especially in the school system.

148. The Committee is concerned that legislation does not protect children from discrimination on all grounds defined by the Convention, especially in relation to birth, language and disability. The Committee is particularly concerned about legal provisions explicitly permitting discrimination, such as article 900 (4) of the Civil Code which prescribes that the right to inheritance of a child born out of wedlock shall be half that of a child born within a marriage, and about mention of birth out of wedlock in official documents. It is also concerned at the provision of the Civil Code stipulating a different minimum age of marriage for girls (16 years) from that of boys (18 years).

149. The Committee is concerned at the insufficient measures taken by the State party to guarantee the child's right to privacy, especially in the family, schools and other institutions.

150. In light of article 17 of the Convention, the Committee is concerned at the insufficient measures introduced to protect children from the harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography.

151. In light of article 21 of the Convention, the Committee is concerned at the lack of necessary safeguards to ensure the best interests of the child in cases of intercountry adoption.

152. The Committee is concerned at the number of institutionalized children and the insufficient structure established to provide alternatives to a family environment for children in need of special support, care and protection.

153. The Committee is concerned about the increase of child abuse and ill-treatment, including sexual abuse, within the family. The Committee notes with concern that insufficient measures have been taken to ensure that all cases of abuse and ill-treatment of children are properly investigated, sanctions applied to perpetrators and publicity given to decisions taken. It is also concerned about the insufficient measures taken to ensure the early identification, protection and rehabilitation of abused children.

154. With regard to children with disabilities, the Committee notes with concern the insufficient measures taken by the State party, notwithstanding the principles laid down in the Fundamental Law for People with Disabilities, 1993, to ensure effective access of these children to education and to facilitate their full inclusion in society.

155. While taking into account the advanced health system and the very low infant mortality rate, the Committee is concerned about the high number of suicides among children and the insufficient measures to prevent this phenomenon, the insufficient access by teenagers to reproductive health education and counselling services, including outside schools, and the incidence of HIV/AIDS among adolescents.

156. While noting the importance given to education by the State party, as illustrated by a very high literacy rate, the Committee is concerned that children are exposed to developmental disorders due to the stress of a highly competitive educational system and the consequent lack of time for leisure, physical activities and rest, in light of the principles and provisions of the Convention, especially its articles 3, 6, 12, 29 and 31. The Committee is further concerned about the significant number of cases of school phobia.

157. The Committee is concerned about the insufficient measures taken by the State party to introduce human rights education into school curricula in a systematic manner, in accordance with article 29 of the Convention.

158. The Committee is concerned at the frequency and level of violence in schools, especially the widespread use of corporal punishment and the existence of numerous cases of bullying among students. While legislation prohibiting corporal punishment and such measures as hot lines for victims of bullying do exist, the Committee notes with concern that current measures have been insufficient to prevent school violence.

159. While noting the draft bill on sexual exploitation, introducing penal sanctions against nationals involved in the exploitation of children through prostitution or pornography, and taking note of the conference organized as a follow-up to the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996, the Committee is concerned at the lack of a comprehensive plan of action to prevent and combat child prostitution, child pornography and trafficking of children.

160. The Committee is concerned about the insufficient measures undertaken to address issues of drug and alcohol abuse which are increasingly affecting children in the State party.

161. The situation in relation to the administration of juvenile justice and its compatibility with the principles and provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty is a matter of concern to the Committee. In particular, the Committee is concerned about the insufficiency of independent monitoring and adequate complaints procedures, the insufficiency of alternatives to detention and to the use of pre-trial detention as a last resort. The conditions in substitute prisons are also a matter of concern.

(d) Suggestions and recommendations

162. In light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to consider reviewing its reservation to article 37 (c) and its declarations with a view to their withdrawal.

163. With regard to the status of the Convention in domestic law, the Committee recommends that the State party provide, in its next periodic report, detailed information on cases where the Convention on the Rights of the Child and other human rights treaties have been invoked before domestic courts.

164. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, in order to develop a comprehensive policy on children and ensure effective monitoring and evaluation of the implementation of the Convention.

165 The Committee recommends that the State party take measures to develop a system of data collection and to identify appropriate disaggregated indicators in order to address all areas of the Convention and to facilitate the identification of sectors where further action is needed and the assessment of progress achieved.

166 The Committee recommends that the State party take the necessary steps to establish an independent monitoring mechanism, either by improving and expanding the existing system of "Civil Liberties Commissioners for the Rights of the Child" or by creating an Ombudsperson or a Commissioner for Children's Rights.

167 The Committee recommends that greater efforts be made by the State party to ensure that the provisions of the Convention are widely known and understood by both children and adults. Systematic training and retraining programmes in the rights of the child should be organized for all professional groups, including members of the police, the security forces and other law enforcement officials, judicial personnel, lawyers, magistrates, teachers and school administrators at all levels of education, social workers, officials of central or local administrations, personnel of childcare institutions and health and medical personnel, including psychologists. In order to reinforce the status of the child as a full subject of rights, the Committee recommends that the Convention be incorporated in the curricula of all educational institutions. It further recommends that the Convention in its entirety be made available, and when necessary translated, in minority languages.

168 The Committee encourages the State party to interact and cooperate closely with non-governmental organizations in implementing and monitoring the principles and provisions of the Convention.

169 It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), not only guide policy discussions and decision-making, but also are appropriately reflected in any legal revision, judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children. In particular, legislative measures should be introduced to correct existing discrimination against children born out of wedlock. The Committee also recommends that discriminatory treatment of minority children, including Korean and Ainu children, be fully investigated and eliminated whenever and wherever it occurs. Furthermore, the Committee recommends the same minimum age for marriage of boys and girls.

170 The Committee recommends that the State party introduce additional measures, including legislative ones, to guarantee the child's right to privacy, especially in the family, in schools, and in childcare and other institutions.

171 The Committee recommends that the State party adopt all necessary measures, including legal ones, with a view to protecting children from harmful effects of the printed, electronic and audio-visual media, in particular violence and pornography.

172. The Committee recommends that the State party take the necessary steps to ensure that the rights of the child are fully protected in cases of intercountry adoptions and to consider ratifying the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

173. The Committee recommends that the State party take measures to strengthen the structures established to provide alternatives to a family environment for children in need of special support, care and protection.

174. The Committee recommends that the State party collect detailed information and data regarding cases of child abuse and ill-treatment, including sexual abuse, within the family. The Committee recommends that cases of abuse and ill-treatment of children be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in order to enhance understanding of this phenomenon, and that in order to achieve this, an easily accessible and child-friendly complaint procedure be established.

175. In light of the Standard Rules for the Equalization of Opportunity for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party make further efforts to ensure practical implementation of the existing legislation, take alternative measures to institutionalization of children with disabilities, and envisage awareness-raising campaigns to reduce discrimination against children with disabilities and encourage their inclusion into society.

176. The Committee recommends that the State party take all necessary measures to prevent suicides and incidents of HIV/AIDS among adolescents, including the collection and analysis of information, the launching of awareness-raising campaigns, reproductive health education and the establishment of counselling services.

177. In view of the highly competitive educational system in the State party and its negative effects on children's physical and mental health, the Committee recommends that the State party take appropriate steps to prevent and combat excessive stress and school phobia in light of articles 3, 6, 12, 29 and 31 of the Convention.

178. The Committee recommends that the State party take appropriate measures to include human rights education in the school curricula, in a systematic manner, in accordance with article 29 of the Convention.

179. In light of, inter alia, articles 3, 19 and 28.2 of the Convention, the Committee recommends that a comprehensive programme be devised and its implementation closely monitored in order to prevent violence in schools, especially with a view to eliminating corporal punishment and bullying. Additionally, it recommends that corporal punishment be prohibited by law in the family and in childcare and other institutions. The Committee also recommends that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.

180. The Committee recommends that the State party design and implement a comprehensive plan of action to prevent and combat child prostitution, child pornography and trafficking of children, in line with the outcome of the 1996 World Congress against Commercial Sexual Exploitation of Children.

181. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children and take all appropriate measures, including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse.

182. The Committee recommends that the State party envisage undertaking a review of the system of juvenile justice in light of the principles and provisions of the Convention and of other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the establishment of alternatives to detention, the monitoring and complaints procedures and the conditions in substitute prisons.

183. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

5. Concluding observations: Maldives

184. The Committee considered the initial report of Maldives (CRC/C/8/Add.33 and 37) at its 468th to 470th meetings (see CRC/C/SR.468-470), held on 28 and 29 May 1998, and at the 477th meeting, held on 5 June 1998, adopted the following concluding observations.

(a) Introduction

185. The Committee expresses its appreciation to the State party for the submission of its initial reports and the written answers to the list of issues (CRC/C/Q/MAL/1). The Committee is encouraged by the frank, self-critical and constructive dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

(b) Positive aspects

186. The Committee notes the enactment of the Law on the Protection of the Rights of the Child (Law 9/91), which constitutes a basis for the development of more comprehensive legislation in this area.

187 The Committee welcomes the establishment of the National Council for the Protection of the Rights of the Child, in charge of monitoring the goals set by the National Plan of Action, as well as the Unit for the Rights of the Child (URC) within the Ministry of Women's Affairs and Social Welfare, in charge of the implementation of the Convention in the State party.

(c) Factors and difficulties impeding the implementation of the Convention

188 The Committee takes note of the particular nature of the State party, its geographical configuration comprising 1,190 islands, out of which only approximately 200 are inhabited, the relatively small population composed of a number of different and isolated communities, as well as changes in the economic structures and rapid population growth.

(d) Principal subjects of concern

189 The Committee is concerned that the reservations made to articles 14 and 21 of the Convention by the State party may affect the implementation of the rights guaranteed in these articles

190 The Committee expresses its concern regarding the need to harmonize fully the Law on the Protection of the Rights of the Child (Law No. 9/91) and other domestic legislation with the principles and provisions of the Convention, taking into account its holistic nature.

191 Although the Committee is aware of existing coordinating mechanisms, it is concerned at the insufficiently systematic and comprehensive, and also disaggregated, quantitative and qualitative data-collection, for all areas covered by the Convention, especially the most vulnerable groups of children, such as children living in institutional care, girl children and children living on isolated islands

192 The Committee is concerned at the lack of a specific mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children, especially the most vulnerable ones, in urban and rural areas

193 With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party

194 The Committee is concerned regarding the lack of participation of civil society in designing and implementing policies and programmes for children.

195 While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children on the provisions and principles of the Convention, as well as the translation of the Convention into the Maldivian language (Dhivehi), the Committee is of the view that these measures are still insufficient.

196 The Committee is concerned at the lack of clarity on the status of children aged between 16 and 18 years. In this regard, it is especially concerned by the low minimum ages for marriage and criminal responsibility.

197 The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

198 With regard to the implementation of article 2, the Committee is concerned at the insufficient measures adopted to ensure the full enjoyment by girl children and children with disabilities of the rights recognized in the Convention. The Committee is also concerned at the situation of children born out of wedlock, especially with regard to their right to inheritance. Furthermore, the Committee expresses its concern at the existing disparities between children living on the capital island of Male and those living on remote islands.

199 While aware of the efforts undertaken by the State party for the prevention of ill-treatment of children, the Committee expresses its concern at the insufficient awareness of and lack of information on ill-treatment and abuse, including sexual abuse both within and outside the family, at the insufficient legal protection measures, at the inappropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures for such children and their limited access to justice are also matters of concern.

200 The Committee is concerned at the high rate of divorce - considered among the highest in the world - in the State party and its possible negative impact on children. The Committee is also concerned at the lack of research and studies on the harmful consequences on children of divorces and early marriages as well as the insufficient measures to create public awareness on the detrimental effects of divorce.

201 The Committee expresses its concern at the insufficient alternative care measures for children deprived of a family environment.

202 Despite the State party's efforts in reducing the infant mortality rate and increasing child immunization, the Committee is concerned at the prevalence of malnutrition (stunting and iron deficiency) and the high maternal mortality rate, as well as the limited access to safe water and adequate sanitation. The Committee is also concerned regarding problems of adolescent health, in particular the high and increasing rate of early pregnancies, the lack of access by teenagers to reproductive-health education and services, and the insufficient preventive measures against HIV/AIDS. Furthermore, the Committee expresses its concern at the insufficient measures to promote breastfeeding of children, especially in health facilities.

203. With regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

204. Although the Committee is aware of the State party's achievements in the area of primary school enrolment, it remains concerned at the fact that education is not compulsory by law, at the high drop-out rate between primary and secondary school, at the shortage of trained teachers, at the existing gender disparities in secondary school enrolments and at disparities in the access to education between the capital and the atolls.

205. While the Committee is aware of the plans to establish a drug rehabilitation unit, it expresses its concern at the insufficient measures undertaken to address issues of drug abuse which are increasingly affecting children in the State party.

206. The Committee expresses its concern at the insufficient preventive measures, including legal ones, to avoid the emergence of child labour and economic exploitation, including sexual exploitation. The Committee is also concerned at the lack of preventive measures, including legal ones, concerning child prostitution, child pornography, trafficking and sale of children.

207. While the Committee takes note that the administration of juvenile justice is regulated by the Penal Code and the Law on the Protection of the Rights of the Child, it is concerned about the full compatibility of such legislation with articles 37, 40 and 39 of the Convention as well as other relevant standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Although the Committee is aware that juvenile offenders aged up to 16 enjoy a special judicial procedure, it is particularly concerned regarding the situation of those between 16 and 18 years, who are considered as adults.

(e) Suggestions and recommendations

208. In the light of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, which encouraged States to withdraw reservations to the Convention on the Rights of the Child, the Committee recommends the State party to consider reviewing its reservations to the Convention with a view to withdrawing them.

209. The Committee recommends the State party to engage in a comprehensive reform of its legislation, with a view to ensuring its full conformity with the principles and provisions of the Convention.

210. The Committee encourages the State party to accede to other major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which all bear an impact on the rights of the child.

211. The Committee recommends that the State party strengthen and extend the activities of the Coordinating Committee on Children. It also recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNICEF.

212. The Committee encourages the State party to consider the establishment of an independent mechanism to fully monitor the implementation of the Convention, especially for the most vulnerable groups of society.

213. With regard to the implementation of article 4 of the Convention, the Committee encourages the State party to consider the possibility of seeking international cooperation for additional resources to implement all the rights enshrined by the Convention.

214. In order to enhance the partnership with all components of the civil society in implementing the Convention, the Committee strongly encourages the State party to facilitate the establishment of non-governmental organizations dealing with children and to cooperate with them.

215. The Committee encourages the State party to pursue its efforts for the dissemination of the principles and provisions of the Convention and in providing training to all professional groups working with and for children. The Committee suggests that the State party seek assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

216. The Committee recommends that the State party raise the legal age of definition of the child, which is currently set at 16 years. In this regard, the legal minimum ages for marriage and criminal responsibility should be reviewed.

217. It is the Committee's view that further efforts should be undertaken to ensure that the general principles of the Convention (arts. 2, 3, 6 and 12) not only guide policy discussions and decision-making, but are also appropriately reflected in any judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children.

218. The Committee recommends that the principle of non-discrimination, as provided under article 2 of the Convention, be fully implemented. A more proactive approach should be taken to eliminate discrimination against the girl child, children with disabilities, children living on remote islands, and children born out of wedlock. The Committee encourages the State party to enact and implement its National Policy on Women, which may bear a positive impact on the status of the girl child.

219. In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat ill-treatment within the family and sexual abuse of children. It suggests, inter alia, that the authorities set up social programmes to prevent all types of child abuse as well as to rehabilitate the child victims. Law enforcement

should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

220 The Committee recommends that the State party accelerate the enactment of its Family Law. The Committee also recommends that the State party undertake research and studies on the negative impact of family disruption on children as well as to continue with its awareness-raising campaign on this issue. Furthermore, the Committee recommends to the State party to improve counselling services for parents.

221 In view of article 20 (3) of the Convention, the Committee recommends that the State party give consideration to the establishment of alternative care measures, such as kafalah, for children deprived of a family environment.

222 The Committee recommends that the State party promote adolescent health policies and programmes by, inter alia, strengthening reproductive-health education and counselling services as well as improving preventive measures to combat HIV/AIDS. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, including the negative impact of early marriages. The Committee also recommends that further efforts, both financial and human, such as the development of counselling services for both young people and their families, be undertaken for the prevention and care of adolescents' health problems and for the rehabilitation of victims.

223 In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce their discrimination, establish special education programmes and centres, and encourage their inclusion in society. The Committee also recommends to the State party to undertake research on the causes of disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and the World Health Organization (WHO) can be sought to this effect.

224 With regard to article 28 of the Convention, the Committee recommends to the State party to make primary education compulsory and available free to all, to improve the training of school teachers and the access to education of the most vulnerable groups of children, including girl children and children living on remote islands. The Committee recommends to the State party to consider seeking international assistance from, inter alia, UNICEF and UNESCO.

225 The Committee recommends that preventive measures, including legal reform, be taken to fully implement the provisions of article 32 of the Convention and other related international instruments.

226 In the light of article 34 of the Convention, the Committee recommends that preventive measures, including legal reform, be taken to prevent and combat the sexual exploitation of children, including through pornography, prostitution, trafficking and sale.

227 In the light of articles 24, 33 and 39 of the Convention, the Committee recommends to the State party to strengthen its efforts to prevent and combat drug and substance abuse among children, and to take all appropriate measures, including public information campaigns in and outside the schools. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.

228 With regard to the administration of juvenile justice, the Committee recommends that the State party accelerate the adoption of special procedures for children to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39 as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in its legislation, laws, policies, programmes and practices. In particular, the Committee recommends special procedures for children aged between 16 and 18, who are currently considered adults, to establish special courts for children and to review the provision of legal counselling for children in care centres. Furthermore, the Committee recommends to the State party to consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

229 Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.

6. Concluding observations: Luxembourg

230 The Committee considered the initial report of Luxembourg (CRC/C/41/Add.2) at its 471st to 473rd meetings (see CRC/C/SR.471-473), held on 2 and 3 June 1998, and at the 477th meeting, held on 5 June 1998 adopted the following concluding observations.

(a) Introduction

231 The Committee welcomes the submission of the State party's detailed initial report, which followed the guidelines established by the Committee. It also takes note of the written answers to the list of issues (CRC/C/Q/LUX/1). The Committee further welcomes the fruitful and constructive dialogue with the delegation.

(b) Positive factors

232 The Committee notes the existence of the Youth Parliament, and welcomes its involvement in the discussion regarding the proposed law to establish a committee having the functions of an Ombudsperson.

233 The Committee welcomes the statement of the delegation that the Government of Luxembourg has the intention of increasing its contribution to international development assistance from 0.36 per cent to the 0.7 per cent United Nations target of its Gross Domestic Product by the end of 1999.

(c) Principal subjects of concern

234 The Committee is concerned that the State party has made reservations affecting articles 2, 6, 7 and 15 of the Convention.

235 The Committee expresses its concern that while the 1992 Law on Youth Protection covers several provisions of the Convention on the Rights of the Child, domestic legislation still needs to be amended and new laws enacted to fully implement the principles and provisions of the Convention. In this regard, the Committee is concerned by the slow pace for the adoption of proposed appropriate amendments.

236 The Committee is concerned that the State party has not adopted a comprehensive policy to promote and protect children's rights. It is also concerned by the absence of a strong coordination and monitoring mechanism and that the project to establish a Luxembourg Committee on Children's Rights as an independent monitoring mechanism has still not been formalized.

237 While recognizing the efforts of the State party in this respect, the Committee is concerned that insufficient measures have been taken to provide adequate training on children's rights to all professional groups working with and for children. It also believes that systematic dissemination and awareness-raising about the principles and provisions of the Convention in all parts of society, among children and adults alike, still remains a matter of concern.

238 The Committee is concerned that there is no law which fully covers all the grounds related to non-discrimination as spelled out in article 2 of the Convention, and that children born out of wedlock may still suffer different forms of discrimination and stigmatization, particularly from the use of the terms "legitimate" and "illegitimate" in the Civil Code.

239 The Committee expresses its concern that the general principles of the Convention, especially its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect for the views of the child), are not yet fully implemented in legislation, policies and practice.

240 The Committee expresses its concern that the rights enumerated in article 7.1 of the Convention, especially the right of the child to know his or her parents, are denied by the State party to children born anonymously ("under x"), even if this right is proven to be in their best interests.

241. The Committee is concerned that no legislation exists to protect children from being exposed to violence and pornography through video movies and other modern technologies, most prominently, the Internet. Moreover, concern is expressed that possession of pornographic material, including that involving children, is not an offence in the State party.

242. In the light of articles 3, 5, 19 and 28.2 of the Convention, concern is expressed that corporal punishment within and outside the family is not specifically prohibited by law.

243. The Committee is concerned that legislation does not cover all existing forms of placement. It is further concerned that regular and independent monitoring and periodic review of placement are not systematically undertaken. The Committee is also concerned by the placement of children in care institutions in neighbouring countries due to lack of facilities and trained professionals in the State party.

244. With regard to adoption, the Committee notes with concern that domestic legislation does not appear to respect fully all the provisions of article 21 of the Convention, especially the implementation of appropriate measures to ensure that intercountry adoption does not result in improper financial gain for those involved in it.

245. The Committee expresses its concern that the Penal Code restricts its protection from all forms of abuse and neglect to children under 14 years old.

246. While taking note of the 1994 law on school inclusion for children with disabilities, the Committee is concerned at the unclear status of implementation of this legislation.

247. The Committee expresses its concern at the noticeable reduction in the rate of breastfeeding following the first month of birth. It is further concerned by the short maternity leave period and that the International Code for Marketing of Breast Milk Substitutes is not fully implemented.

248. The Committee expresses its concern about the rate of suicides among young people in the State party, and that suicides have occurred among young people when in detention. The Committee is also concerned by the increase of drug and alcohol abuse among youth.

249. The Committee is concerned about the insufficient measures taken by the State party to introduce human rights education, including the rights of the child, into the school curricula in a systematic manner, in accordance with article 29 of the Convention.

250. With regard to sexual exploitation of children, the Committee expresses its concern at the existence of child prostitution in the State party and at the involvement of children in international prostitution networks. It is further concerned that it is not illegal for children above 16 to get involved in prostitution.

251. The administration of juvenile justice, and in particular its compatibility with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee is

particularly concerned that children aged between 16 and 18 may be referred to ordinary courts and judged as adults. It is further concerned that juveniles may be detained with adults in ordinary prisons, where the conditions are extremely unfavourable, including strict limits on time for exercise and leisure, the virtual absence of educational opportunities and long periods of isolation in their cells. In this regard, the Committee is concerned by the slow pace taken to implement all decisions taken by the interministerial working group to improve drastically the conditions of detention of children.

(d) Suggestions and recommendations

252. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to consider reviewing its reservations with a view to their withdrawal.

253. The Committee recommends that the State party, on a priority basis, take all necessary measures to ensure that its domestic legislation is in full conformity with the provisions and principles of the Convention.

254. The Committee encourages the State party to adopt a comprehensive strategy for children. The Committee also wishes to suggest that the State party envisage the establishment of a permanent mechanism of coordination, evaluation, monitoring and follow-up for policies aimed at the protection of the child to ensure that the Convention is fully respected and implemented, at the central and local levels. In this respect and as part of the ongoing efforts of the State party to promote and protect the rights of the child, the Committee encourages the State party in its efforts to establish an independent monitoring body, such as an Ombudsperson.

255. The Committee recommends that the State party continue to disseminate the Convention in appropriate languages to adults and children alike. It also recommends that the authorities continue to ensure awareness raising, education and training programmes about the Convention on the Rights of the Child for professional groups working for and with children, such as: judges, lawyers, law enforcement and army officials, civil servants, including at the local level, personnel working in institutions or other places of detention for children, health personnel and social workers.

256. The Committee recommends that the State party fully take into account in its legislation all the grounds for protection from discrimination as spelled out in article 2 of the Convention. In particular, the Committee recommends that the State party take all appropriate measures to ensure that children born out of wedlock do not suffer discriminatory treatment or stigmatization, and that the terms "legitimate" and "illegitimate", which are currently used in the Civil Code, be eliminated. In view of the multinational dimension of the society, the Committee further recommends that the State party take all appropriate measures, including legal ones, to guarantee all the rights set forth by the Convention to all children living within its jurisdiction, in the light of articles 2, 3 and 22.

257. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular "non-discrimination" (art. 2), the "best interests of the child" (art. 3) and the "respect for the views of the child" (art. 12), not only guide policy formulation and decision-making, but also are integrated appropriately into any judicial and administrative decisions, as well as in the development and implementation of all projects and programmes which have an impact on children.

258. In order to protect fully the rights of children born anonymously ("under x"), the Committee recommends that the State party take all appropriate measures to ensure that the provisions of article 7, especially the right of the child to know his or her parents, be fully enforced in the light of the principles of "non-discrimination" (art. 2) and the "best interests of the child" (art. 3).

259. In the light of article 17 of the Convention, the Committee recommends that the State party take all appropriate legal and other measures to protect children from being exposed to violence and pornography through video movies and other modern technologies, including the Internet. The Committee also recommends that the State party pursue its efforts to adopt legislation effectively prohibiting the possession of pornographic material involving children. Bilateral cooperation with neighbouring countries should be engaged to this effect.

260. In the light of articles 3, 19 and 28.2, the Committee recommends that corporal punishment at home and in care institutions be explicitly prohibited by law.

261. The Committee encourages the State party to take all appropriate measures, including of a legislative nature, to ensure that a child placed in any form of institution is guaranteed all his/her rights set forth by the Convention, in particular the right to periodic review of placement. The Committee also recommends that the State party establish a monitoring mechanism for care and other types of institutions. Particular attention should be paid to monitoring children placed in foreign institutions when specialized expertise or appropriate facilities do not exist in the State party. In this regard, the Committee recommends that a study to assess the impact of placement of children in neighbouring countries be undertaken.

262. The Committee recommends that the State party ensure that domestic legislation, procedures, policies and practices fully respect the provisions of article 21 of the Convention. It encourages the State party to consider ratifying the Hague Convention of 1993 on Protection of Children and Cooperation with Respect to Intercountry Adoption.

263. With regard to the rights of children with disabilities and in the light of, inter alia, the provisions of article 23 of the Convention, the Committee encourages the State party to take all measures to implement fully the 1994 law on school inclusion.

264. The Committee encourages the State party to specifically integrate human rights education, including the rights of the child, in the school curricula.

265. The Committee recommends that the State party undertake a comprehensive study to identify reasons for the drop in breastfeeding after the first month. It also recommends the extension of the period of maternity leave, serious efforts to educate the public - especially new

parents - on the benefits of breastfeeding and the adoption of other measures, as necessary, to counteract any negative impact on employment of women who wish to continue breastfeeding their children for a longer period of time. Finally, the Committee recommends that the State party increase its efforts to promote compliance with the International Code for Marketing of Breast Milk Substitutes.

266. The Committee encourages the State party to undertake studies on the causes of suicide and other mental health problems among young people and to adopt measures to combat this phenomenon. It further recommends that the State party undertake "youth-friendly" preventive, curative and rehabilitative measures to address the increasing problem of drug and substance abuse among young adolescents.

267. The Committee recommends reinforcing its legislation, policies and programmes to prevent and combat all forms of sexual exploitation and abuse, including child prostitution, child pornography and trafficking in children. In this regard, the Committee recommends that the State party establish a comprehensive national plan of action and implement the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children.

268. With regard to the administration of juvenile justice, the Committee recommends that the State party take all measures to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty in its legislation, policies and practices. Special attention should be given to alternatives to detention, to preventing suicide in detention, to providing appropriate infrastructures to detained children in order to fully ensure their separation from adults and to guarantee that they have regular contacts with their family. The right of detained children to education, including vocational training, should be fully taken into account. The Committee strongly recommends that the State party take all appropriate measures to implement all appropriate recommendations adopted by the interministerial working group to improve drastically the conditions of detention of children.

269. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

7. Concluding observations: Ecuador

270. The Committee considered the initial report of Ecuador (CRC/C/3/Add.44) at its 479th to 481st meetings (see CRC/C/SR.479-481), held on 22 and 23 September 1998, and at the 505th meeting, held on 9 October 1998 adopted the following concluding observations.

(a) Introduction

271. The Committee welcomes the submission of the initial report of the State party. Though the report was constructive and comprehensive, the Committee regrets that it did not strictly follow the guidelines. The Committee also takes note of the written replies to the list of issues (CRC/C/Q/ECU/1) and the additional information provided to it in the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the frank, self-critical and cooperative tone of the dialogue the State party's delegation undertook with the Committee. However, it regrets the absence of a delegation from the capital, directly involved in the implementation of the Convention in the State party.

(b) Positive aspects

272. The Committee welcomes the recent adoption by the State party of a National Plan for Human Rights (March 1998) and welcomes the expanded provisions for the protection of human rights, including the promotion and protection of the rights of the child.

273. The Committee notes with appreciation the enactment of the new Constitution (August 1998), which includes provisions for the promotion and protection of human rights, including the rights of the child.

274. The Committee welcomes the measures taken by the State party to include the teaching of the Convention in the school curricula and for the establishment of bilingual education programmes for indigenous children.

275. The Committee notes with appreciation the establishment of the "Alcaldes Defensores de los Niños" programme (City Mayors for the Defence of Children).

276. The Committee welcomes the implementation of international cooperation programmes to facilitate the full implementation of the Convention on the Rights of the Child, especially in the field of human rights training. Additionally, it welcomes the willingness of the State party to engage in further technical cooperation in the field of the right to development.

277. The Committee also welcomes the accession (1995) of the State party to The Hague Convention of 1993 on the Protection of Children and cooperation in Respect of Intercoutnry Adoption and to ILO Convention No. 169 concerning Indigenous and Tribal Peoples.

(c) Factors and difficulties impeding the implementation of the Convention

278. The Committee notes that natural disasters, in particular the climatological phenomenon known as "El Niño", have had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sector and to infrastructure.

279 The Committee also notes the negative impact on children of economic factors such as structural adjustment and external debt.

280 The Committee notes that widespread poverty, longstanding socio-economic disparities and uneven land distribution within the State party affect the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party.

(d) Principal subjects of concern and Committee recommendations

281 While the Committee notes the enactment of the Children's Code (1992) and of the recent constitutional reform, it remains concerned that disparities still exist between the principles and provisions of the Convention and domestic legislation. The Committee recommends that the State party take all appropriate measures to facilitate the process of full harmonization of domestic legislation with the principles and provisions of the Convention, especially taking into account the holistic nature of this treaty.

282 The Committee expresses its concern at the lack of adequate coordination between various governmental entities dealing with children's issues, both at the national and local levels. The Committee recommends that the State party take further steps to reinforce, within the framework of the National Plan for Human Rights, the existing coordinating mechanisms (for example, the National Commission for Children (CONAME)), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of human rights, in particular the rights of the child.

283 The Committee is concerned about the absence of an adequate, systematic, comprehensive and disaggregated data collection mechanism for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including children born out of wedlock, children belonging to indigenous groups, Afro-Ecuadorean children, children living in institutional care, children living and/or working on the streets, girl children and children living in rural areas. It recommends that the State party develop a comprehensive system for collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF.

284 The Committee expresses its concern regarding recent budget cuts which have had a negative impact on the provision of social programmes, especially those relating to children. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure the appropriate distribution of resources at the local and central levels. Budgetary allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed,

within the framework of international cooperation, as well as in the light of the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention). The Committee also recommends that the State party take all available measures for the full implementation and systematic monitoring of the National Plan of Action for Children.

285. While recognizing the efforts of the State party to disseminate the Convention and to train professionals working for and with children on the provisions and principles of the Convention, as well as to translate the Convention into the Quechua and Shuar languages, the Committee is of the view that these measures need to be reinforced. The Committee also remains concerned at the lack of adequate and systematic training for professional groups working with and for children. It encourages the State party to strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Furthermore, training on the Convention should be conducted for professional groups, such as judges, lawyers, law enforcement and army officials, civil servants, teachers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers. Dissemination of the provisions and principles of the Convention to non-governmental organizations, the mass media and the public at large including children themselves should be enhanced.

286. With regard to the implementation of article 1 and related articles of the Convention regarding the definition of the child, the Committee is concerned about the disparities existing in domestic legislation. The Committee is also concerned at the use of the biological criterion of puberty to set different ages of maturity for boys and girls. This practice is contrary to the principles and provisions of the Convention and constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends that the State party review its domestic legislation to ensure full conformity with the principles and provisions of the Convention.

287. While acknowledging the measures taken by the State party, the Committee is still concerned at the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities. The Committee expresses its concern at the increasing disparities between rural and urban areas, as well as at the growing number of the population living in urban poor and marginalized areas. In the light of the general principle of non-discrimination (art. 2 of the Convention), the Committee recommends that the State party continue taking all available measures to reduce economic and social disparities, including those between rural and urban areas. Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorean children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets should be reinforced.

288. The Committee is concerned that the general principles of the best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully applied and duly integrated into the policies and programmes of the State party. The Committee recommends that further efforts be made to ensure that domestic laws take fully into account the principles of the best interests of the child and respect for the views of the child, and his or her right to participate in the family, at school, in other institutions and in society in general. These principles should also be reflected in all policies, administrative decisions and programmes relating to children.

289. While the Committee takes note of the measures taken by the State party in the area of birth registration, it remains concerned at the lack of awareness and understanding on registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party continue with its efforts to ensure the registration of all children immediately after birth. Furthermore, the Committee encourages the State party to ensure, in cooperation with non-governmental organizations and with the support of intergovernmental organizations, that birth registration procedures are widely known and understood by the population at large.

290. The Committee is deeply concerned at the information provided in the State party's report that "child abuse is a culturally accepted and justified practice". In this regard, it expresses its concern at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate steps, including setting up social programmes and introducing rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be developed. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

291. While the Committee notes the State party's efforts to reduce the infant mortality rate and the under-five mortality rate, it is still concerned about the prevalence of malnutrition, high rates of maternal mortality and the limited access to health services in remote rural areas. It suggests that the State party allocate appropriate resources and consider seeking technical assistance, when needed, to reinforce its efforts to make basic health-care accessible to all children. In particular, concerted efforts are required to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF "Integrated Management of Childhood Illness" is recommended. In addition, the Committee recommends that breastfeeding be promoted in all health facilities and among the public at large.

292. With regard to adolescent health, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy, the incidence of suicides by girls and insufficient access by teenagers to reproductive health education and counselling services, including outside of schools. The Committee is also concerned at the increasing rate of substance abuse. It suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems as a basis for promoting adolescent health policies and strengthening reproductive health education

and counselling services. The Committee also recommends that further efforts be undertaken to develop child-friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.

293. The Committee expresses its concern at the high incidence of environmental threats, including to the health of children, in particular in oil exploitation areas of the Amazonia region. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation, including pollution, on children.

294. With regard to the implementation of article 27 of the Convention, the Committee is concerned about the widespread poverty and deteriorating living conditions affecting the majority of the population in the State party. It recommends that the State party take comprehensive measures to establish poverty alleviation programmes with special emphasis on the access to health-care and education of children, in particular the most vulnerable groups of children.

295. Although the Committee is aware of the State party's achievements in the field of education, it remains concerned at the high drop-out rate between primary and secondary school and the high repetition rate at both levels, at the gender disparities in secondary school enrolment and at disparities in access to education between rural and urban areas. It recommends that the State party strengthen its educational policies and system in order to reduce gender and geographical disparities and to establish retention programmes and vocational training for drop-out students.

296. Though the Committee is aware that the reform of the primary education curricula has included measures to fulfil the rights of the child to leisure and recreational and cultural activities, it remains concerned about the insufficiency of these measures, in particular for children living in urban-poor and rural areas. In the light of article 31 of the Convention, the Committee recommends that the State party strengthen its measures to improve children's access to leisure and to recreational and cultural activities, especially for the most vulnerable groups of children.

297. While the Committee acknowledges the State party's policies for the protection of refugees, it remains concerned at the lack of specific provisions in its domestic legislation concerning the rights of asylum seeking and refugee children and the right to family reunification. In the light of article 22 of the Convention, the Committee recommends that the State party undertake appropriate measures to adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) could be requested in this regard.

298. The Committee is concerned at the insufficient measures addressing the issues of child labour and economic exploitation, including domestic labour and sexual exploitation of children. In this regard, the lack of data and research is also a matter of concern to the Committee. The Committee is further concerned at the increasing number of children living and/or working on the streets, who require special attention because of the risks they are exposed to. The

Committee recommends that the State party give specific attention to undertaking research on and monitoring the situation of children living and/or working on the streets and those involved in hazardous labour, including domestic service and prostitution. The Committee also recommends that the State party develop national policies on the prevention and the elimination of the most hazardous forms of child labour. The Committee suggests that the State party consider seeking technical assistance from ILO in this area. In addition, the Committee encourages the State party to consider ratifying ILO Convention No. 138 concerning minimum age for admission to employment.

299. While the Committee takes note of the State party's efforts to combat the trafficking and sale of children, it remains concerned about the lack of preventive measures in this area. Concerning the trafficking of boys and girls into neighbouring countries for work, including prostitution, the Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme of prevention, including an awareness-raising campaign and educational programmes, in particular in the rural areas and for concerned governmental officials, and of rehabilitation of the victims. Cooperation with neighbouring countries is strongly encouraged.

300. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children. In the light of article 34 and related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party engage in studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

301. With regard to the juvenile justice system in the State party, the Committee is concerned about its full compatibility with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned that deprivation of liberty is not systematically used as a measure of last resort only, at the slow pace at which cases are processed, at the insufficient provision of legal aid for children and at the situation of children under seven years of age living in prisons with their parents. It recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39 and other relevant United Nations standards. Particular attention should be paid to ensuring that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that alternative care (for example, in foster families) should be provided for children living in prisons with one of their parents. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

302. The Committee recommends that additional information, taking into account the concerns expressed during the dialogue held with the State party, be prepared and submitted to the Committee by April 1999.

303. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention, its implementation and monitoring within the Government and the Parliament and among the general public, including concerned non-governmental organizations.

8. Concluding observations: Iraq

304. The Committee considered the initial report of Iraq (CRC/C/41/Add.3) at its 482nd to 484th meetings (CRC/C/SR.482-484), held on 23 and 24 September 1998, and at the 505th meeting, held on 9 October 1998 adopted the following concluding observations.

(a) Introduction

305. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/IRAQ/1). It nevertheless regrets that the report did not follow the guidelines established by the Committee. The Committee notes the constructive dialogue it had with the delegation of the State party and the replies it received from the delegation during the discussion.

(b) Positive aspects

306. The Committee takes note of the fact that the Convention is self-executing within the State party and that its provisions may be invoked before the courts.

307. The Committee takes note of the development of a National Plan of Action for Children and welcomes the programme for reproductive health implemented by the Association for Family Planning and the Ministry of Health, as well as the Mother and Child Unit established within the Central Statistical Office. The Committee also welcomes the introduction of compulsory education and the development of a programme to combat illiteracy within the State party.

(c) Factors and difficulties impeding the implementation of the Convention

308. In the light of General Comment No. 8 adopted by the Committee on Economic, Social and Cultural Rights (1997) and Decision 1998/114 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee notes that the embargo imposed by the Security Council has adversely affected the economy and many aspects of daily life, thereby impeding the full enjoyment by the State party's population, particularly children, of their rights

to survival, health and education. The Committee also notes that the northern territory is currently not administered by the State party authorities; consequently, the lack of information relevant to the implementation of the Convention on the Rights of the Child in that area is a matter of concern to the Committee.

(d) Subjects of concern and Committee recommendations

309. The Committee notes with concern the reservation to article 14.1 made by the State party upon ratification of the Convention. In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider the possibility of reviewing the reservation with a view to its withdrawal.

310. While the Committee notes that the State party has developed a substantive legislative framework, it is still concerned that the provisions and principles of the Convention are not fully reflected in law. The Committee recommends that the State party take all appropriate measures to engage, where necessary, in a process of law reform, for example, by enacting a children's code to ensure full compliance with the Convention.

311. The Committee is concerned at the need to strengthen law enforcement in all areas covered by the Convention. It suggests that the State party consider the introduction of a number of policies and programmes that guarantee law enforcement and implementation of the existing legislation through adequate services, remedies and rehabilitation programmes, when appropriate within the framework of international cooperation.

312. While the Committee notes that the Child Welfare Authority, the institution responsible for the implementation of the Convention, enjoys support at the highest official level and is located in the office of the President, it remains concerned at its limited powers. The Committee recommends that the State party seek to strengthen the Child Welfare Authority by increasing its budgetary allocations, as well as its power and authority to implement the Convention.

313. With regard to coordination of programmes and policies, the Committee is concerned at the insufficient coordination between the different bodies and agencies working with and for children. The Committee recommends that further steps be taken by the State party to strengthen coordination between the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

314. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee recommends that an independent mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations.

315. While the Committee notes the establishment and expansion of the Mother and Child Unit within the Central Statistical Office, it is still concerned that no adequate measures have been taken for the development of indicators and the systematic collection of disaggregated quantitative and qualitative data on the areas covered by the Convention in relation to all groups

of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should include all children, with specific emphasis on vulnerable ones, including those who are victims of abuse or ill-treatment, child workers, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned and/or institutionalized children, and children with disabilities. The Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF in the development of such a data collection system.

316. In the light of article 4 of the Convention, the Committee is concerned that insufficient attention has been paid to allocating budgetary resources in favour of children "to the maximum extent ... available ... and, where needed, within the framework of international cooperation". It recommends the State party to prioritize budgetary allocation to ensure the protection of the economic, social and cultural rights of children, especially taking into account articles 2, 3 and 4 of the Convention. In this regard, the Committee also recommends that the State party seek to eliminate the disparities between urban and rural areas and between provinces.

317. The Committee notes that professional groups, children and the public at large are not sufficiently aware of the Convention and its principles. The Committee recommends that greater efforts be made to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, it is recommended that efforts be made to translate the Convention into all minority languages. The Committee also recommends that systematic training and retraining programmes on the rights of the child, as well as in the areas of international human rights and humanitarian law, be organized for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officers and personnel, teachers, school administrators, health personnel, including psychologists, social workers, central or local administration officials and personnel of childcare institutions. Systematic dissemination of the principles and provisions of the Convention to non-governmental organizations, the mass media and the public at large, including children themselves, should be enhanced. The Committee suggests that the State party incorporate the Convention in school and university curricula. In this regard, the Committee also suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross and UNICEF.

318. In the light of the provisions and principles of the Convention, especially the principles of the best interests of the child (art. 3) and the right to life, survival and development (art. 6), the Committee is deeply concerned at the early legal minimum age of voluntary enlistment into the armed forces. It recommends that the State party raise the legal minimum age of voluntary enlistment into the armed forces in the light of international human rights and humanitarian law.

319. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general

principles of the Convention guide policy discussions and decision-making, and are appropriately reflected in any legal revision and in judicial and administrative decisions, as well as in the development and implementation of all projects and programmes which have an impact on children

320 The Committee is concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the rights-based approach enshrined in the Convention. In this regard, the Committee also notes that the principle of non-discrimination (art. 2) is reflected in the Constitution and in other domestic legislation. However it is concerned that domestic legislation does not explicitly prohibit discrimination on the basis of national or ethnic origin, political or other opinion, and disability. Though Iraqi legislation prohibits discrimination on the basis of sex, the Committee is concerned that in practice there are still disparities between boys and girls, particularly with respect to inheritance rights and the right to education. The Committee encourages the State party to take all appropriate measures, including legislative measures, to ensure non-discrimination at all levels of society and to encourage equality between boys and girls In this regard, the Committee further recommends that additional measures be taken to ensure the school enrolment of girls, especially in rural areas, and to reduce their drop-out rate, particularly during the compulsory education period.

321 The Committee expresses concern regarding the participatory rights of children. The Committee urges the State party to encourage children to take an active role in the promotion and implementation of the Convention. The Committee suggests that non-governmental organizations, such as the National Federation of Iraqi Students and Youth, be given a more significant role in promoting the Convention.

322 The Committee is further concerned that in the light of the State party's legislation regarding citizenship, nationality may only be obtained by a child from his/her Iraqi father, except in cases where the father is unknown or stateless. The Committee recommends that domestic legislation be amended to guarantee that the acquisition of Iraqi nationality is determined in the light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

323 In the light of article 19 of the Convention, the Committee expresses its concern that corporal punishment is not expressly prohibited in domestic legislation. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, with the aim of prohibiting corporal punishment at all levels of society. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

324. The Committee is concerned at the insufficient awareness of, lack of information on and societal attitude toward ill-treatment and abuse, including sexual abuse, both within and outside the family, the insufficient legal protection measures and appropriate resources, both financial and human, as well as the lack of adequately trained personnel to prevent and combat such abuse. In the light of article 19 of the Convention, the Committee recommends that the State party undertake studies on ill-treatment and abuse, including sexual abuse, and adopt adequate measures and policies, with a view to, inter alia, changing traditional attitudes. It also

recommends that cases of abuse and ill-treatment of children, including sexual abuse within the family, be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

325. The Committee notes with grave concern the deteriorating health situation of children, particularly the high and increasing infant and child mortality rates and serious long-term malnutrition, aggravated by poor breastfeeding practices and common childhood diseases. The Committee encourages the State party to develop comprehensive policies and programmes to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to consider technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

326. The Committee is particularly concerned over the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, violence and substance abuse. The Committee recommends that the State party promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems. The Committee also recommends that further efforts, both financial and human, be undertaken to develop child-friendly, prevention, care and rehabilitation facilities for adolescents.

327. The Committee expresses concern regarding the availability of facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in the regular school system and society. The Committee further recommends that the State party seek technical cooperation for the training of parents and professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

328. In the light of the recent economic conditions in the State party, the Committee is also concerned at the number of children leaving school prematurely to engage in labour, particularly girls. The Committee recommends that all appropriate measures be taken to provide equal access to education, encourage children, particularly girls, to stay in school and discourage early entry into the labour force.

329. The Committee notes with concern that the economic exploitation of children has increased dramatically in the past few years and that an increasing number of children are

leaving school, sometimes at an early age, to work to support themselves and their families. In this regard, the Committee is also concerned about the existing gap between the age at which compulsory education ends (12 years old) and the minimum legal age for access to employment (15 years old). The Committee recommends that research be carried out on the situation with regard to child labour in the State party, including the involvement of children in hazardous work, to identify the causes and the extent of the problem. Legislation protecting children from economic exploitation should also cover the informal labour sector. The Committee further suggests that the State party consider raising the age at which compulsory education ends to coincide with the minimum legal age for employment.

330. The Committee notes with concern the situation of children living and/or working on the streets, particularly as it relates to economic and sexual exploitation. In this regard, the Committee encourages the State party to increase preventive measures and its efforts to ensure the rehabilitation and reintegration of these children.

331. While taking into consideration the efforts made by the State party, the Committee notes with concern the situation with respect to landmines, and the threat they pose to the survival and development of children. The Committee stresses the importance of educating parents, children and the general public about the dangers of landmines and of implementing rehabilitation programmes for victims of landmines. The Committee recommends that the State party review the situation with respect to landmines within a framework of international cooperation, including from United Nations agencies. The Committee further suggests that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997).

332. The Committee is concerned at the situation with respect to the administration of juvenile justice and in particular its incompatibility with the Convention, as well as other relevant United Nations standards. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on relevant international standards should be organized for professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

333. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the present concluding observations of the Committee. Such a

document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.

9. Concluding observations: Bolivia

334. The Committee considered the second periodic report of Bolivia (CRC/C/65/Add.1) at its 485th and 486th meetings (see CRC/C/SR.485-486), held on 25 September 1998, and at the 505th meeting, held on 9 October 1998 adopted the following concluding observations.

(a) Introduction

335. The Committee welcomes the timely submission of the State party's second periodic report and takes note of the written answers to the list of issues (CRC/C/Q/BOL/2). The Committee is encouraged by the frank, self-critical and constructive dialogue the State party's delegation undertook with the Committee. The Committee also acknowledges that the presence of a delegation directly involved in the implementation of the Convention enabled it to assess better the situation of the rights of the child in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

336. The Committee acknowledges the State party's commitment to the promotion and protection of human rights with the establishment of a Vice-Ministry for Human Rights within the new structure of the Ministry of Justice and Human Rights. The Committee also welcomes the establishment of the Office of the Human Rights Ombudsperson (Defensor del Pueblo) and the inclusion of children's rights within its mandate.

337. The Committee expresses its appreciation of the enactment of the Popular Participation Act (1994), which establishes the principle of equal distribution per inhabitant of the joint resources from taxation allocated and transferred to regions, and seeks to correct the historical disparities between urban and rural areas. This initiative reflects the Committee's recommendation (see CRC/C/15/Add.1, para. 14). The Committee particularly welcomes the establishment, as part of the decentralization programme, of the municipal defence system for children.

338. The Committee notes with appreciation the participation of non-governmental organizations in the elaboration of the State party's second periodic report and in amending the Code of Minors (1992), in line with a recommendation of the Committee (see CRC/C/15/Add.1, para. 18).

339. The Committee notes with appreciation the adoption of the National Mother and Child Insurance Scheme (1996), under which public hospitals and health centres provide free care for all mothers, during pregnancy, childbirth and the post-natal period, and for all children up to five years of age.

340 In the light of the Committee's recommendation (see CRC/C/15/Add.1, para. 14), the enactment of the Educational Reform Act (1994), which makes the provision of educational services in the State party available to the whole society without any type of discrimination, is welcomed by the Committee.

341 The Committee welcomes the accession (1997) of the State party to International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Access to Employment.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

342 The Committee notes the persistence of large disparities in income distribution and is of the view that this problem, which has contributed to long-term hard-core poverty, is still affecting children's exercise of their rights.

343 The Committee notes that severe economic constraints, due in particular to structural adjustment programmes and external debt, are still having a negative impact on the situation of children.

(d) Principal subjects of concern and Committee recommendations

344 While noting the measures taken by the State party to implement the recommendations of the Committee (see CRC/C/15/Add.1, para. 13) regarding the need to reform the Minors Code (1992), and taking into consideration the information provided on the forthcoming enactment of the Code for Children and Adolescents (Proyecto de Código de los Niños, Niñas y Adolescentes), the Committee remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, as well as about the slow pace of the current process of reform. The Committee recommends that the State party take all available measures to ensure that the current process of reform of its legislation on children's rights is in full conformity with the principles and provisions of the Convention. The Committee also recommends that the State party take all the necessary steps to accelerate the current process of reform.

345 With regard to the Committee's recommendation (see CRC/C/15/Add.1, para. 13) concerning the need to develop indicators for monitoring the implementation of policies and programmes for children, the Committee takes note of the State party's efforts to include some disaggregated data and other indicators in the periodic report and in the written replies. Nevertheless, it remains concerned that disaggregated data and indicators for all areas covered by the Convention were not included. The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all the areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children. In this regard, the Committee encourages the State party to seek technical assistance from UNICEF and other international agencies.

346 While the Committee takes note of the willingness of the State party to launch a major campaign on children's rights upon the enactment of the new Children and Adolescents Code (Código de los Niños, Niñas y Adolescentes), it expresses its concern at the lack of measures

taken so far to implement its recommendation (see CRC/C/15/Add.1, para. 17) to disseminate information on the provisions of the Convention. The Committee recommends that the State party take all available measures to disseminate the principles and provisions of the Convention, especially in the three national languages other than Spanish (Aymara, Quechua and Guarani) spoken in the State party. The Committee suggests that the State party seek assistance from, inter alia, UNICEF in this regard.

347. The Committee welcomes the willingness of the State party to include a children's rights component, including the training of professionals working with and for children, in its technical cooperation programme with the Office of the High Commissioner for Human Rights/UNDP for the implementation of the State party's National Plan of Action on Human Rights. The Committee encourages the State party to continue with its efforts to provide sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers. Dissemination of the provisions and principles of the Convention to non-governmental organizations, the mass media and the public at large including children themselves, should be enhanced.

348. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.1, para. 7) that the stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In the light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of its available resources, including international cooperation, to continue ensuring that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. The Committee also recommends that the State party take children's rights into consideration in designing its social policies and programmes. Furthermore, the Committee encourages the State party to continue with its efforts to reduce the burden of its external debt, including the measures taken within the framework of the World Bank/International Monetary Fund's initiative "Highly Indebted Poor Countries".

349. The Committee reiterates its concern (see CRC/C/15/Add.1, para. 8) regarding the implementation of article 1 and other related provisions of the Convention, owing to disparities in domestic legislation, especially concerning the minimum legal ages for access to work and for marriage. The Committee is also concerned about the use of the biological criterion of puberty to set different ages of maturity for boys and girls. This practice is contrary to the principles and provisions of the Convention and, inter alia, it constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends that the State party introduce appropriate amendments to the draft code for children and adolescents (Proyecto de Código de los Niños, Niñas y Adolescentes) and raise the minimum legal ages for work and marriage, in order to bring it into full conformity with the principles and provisions of the Convention.

350 With regard to the implementation of article 2 of the Convention, the Committee reiterates its concern (see CRC/C/15/Add.1, para. 9) at the growing disparities between rural and urban areas, as well as the growing number of the population living in urban poor and marginalized areas. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities is also a major concern. The Committee reiterates its recommendation (see CRC/C/15/Add.1, para. 14) to the State party and further recommends that it increase measures to reduce economic and social disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, such as children belonging to indigenous communities, girl children, children with disabilities, children born out of wedlock and children who are living and/or working on the streets.

351 While the Committee notes that the principles of the "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12) have been incorporated in domestic legislation, it remains concerned that in practice, as it is recognized in the report, these principles are not respected owing to the fact that children are not yet perceived as persons entitled to rights and that the rights of the child are undermined by adults' interests. The Committee recommends that further efforts be made to ensure the implementation of the principles of the "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including traditional communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced.

352 The Committee expresses its concern at the insufficient measures taken by the State party in the area of birth registration, and at the lack of awareness and understanding of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are widely made known to the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.

353 While the Committee welcomes the adoption of legislation on domestic violence, it remains concerned about persistent ill-treatment of children in the State party. Concern is also expressed at the insufficient awareness and lack of information, research, statistics and data on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures for such children and their limited access to justice is also a matter of concern. In the light, inter alia, of articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat ill-treatment and sexual abuse of children within the family, schools and society at large. It suggests, inter alia, the setting up of social programmes to prevent all types of child abuse as well as the rehabilitation of child victims. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed.

354. While the Committee takes note of existing legislation prohibiting corporal punishment of children, it remains concerned that corporal punishment is still widely used within the family and in schools and institutions. In connection with the child's right to physical integrity, recognized by the Convention in its articles 19, 28, 29 and 37, the Committee recommends that the State party consider the possibility of undertaking educational campaigns. Such measures would help to change societal attitudes towards the use of physical punishment within the family and in schools and institutions.

355. While the Committee notes the inclusion of legislative measures on adoption in the Minors Code (1992), it remains concerned at the lack of adequate protection measures with regard to intercountry adoption. The Committee encourages the State party to consider acceding to The Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

356. The Committee expresses its concern at the situation of children living in institutions and of children living in penitentiary centres with one of their parents. Concern is also expressed at the lack of follow-up measures and of a system to monitor and evaluate the development of these groups of children. The Committee recommends that the State party take the necessary steps to establish alternatives to institutionalizing children (for example, foster families), especially for those living with one of their parents in penitentiary centres. The Committee further recommends that the State party undertake follow-up measures and institute a monitoring and evaluation system to ensure the adequate development of these groups of children.

357. While the Committee notes with appreciation the efforts undertaken by the State party in the area of basic health, it is still concerned about the persistence of a high infant mortality rate and limited access of children to basic health services. Furthermore, the persistence of common childhood diseases (for example, gastro-intestinal and respiratory illnesses), increased malnutrition in children under five years of age and growing adolescent health-related problems, such as teenage pregnancy, smoking and alcohol consumption are also issues of concern. The Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to ensure access to basic health-care and services for all children and that adolescent health policy and programmes are developed, including prevention, care and rehabilitation measures. More concerted efforts need to be taken to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy for children.

358. While the Committee acknowledges the State party's policies for the protection of refugees, it remains concerned at the lack of specific provisions in its legislation concerning the rights of asylum seeking and refugee children and the right to family reunification. In the light of article 22 of the Convention, the Committee recommends that the State party adopt legislation to protect all the rights of asylum seeking and refugee children. Technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) might be requested in this regard.

359. The Committee is concerned about the situation of children living in the Chapare region, who are constantly exposed to the side effects of anti-narcotics interventions and live in a violent environment which has a negative impact on their development. The Committee recommends that the State party take appropriate measures to ensure the protection of children living in the Chapare region.

360. The Committee expresses its concern at the situation of children living in towns on the border with Chile, whose lives are threatened by landmines planted in that region. The Committee recommends that the State party take all necessary measures, including awareness-raising programmes on landmines and training for the population at large, for the protection of children living in these towns. In this regard, the Committee encourages the State party to consider seeking international cooperation, as well as conducting bilateral consultations for the clearance of landmines.

361. With regard to the Committee's concern (see CRC/C/15/Add.1, para. 9) at the situation with regard to child labour in the State party, the Committee takes note of the measures taken in this area, such as the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization, and the establishment of a pilot education programme for working children, financed by the Inter-American Development Bank. Nevertheless, the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee also reiterates its concern (see CRC/C/15/Add.1, para. 12) about the situation of children working and/or living on the streets. In the light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party should not lower the minimum age for access to work. It encourages the State party to continue giving attention to the situation of children involved in hazardous labour, including domestic labour and prostitution, in order to protect them from being exploited and from the negative impact on their development. The Committee recommends that the State party undertake research on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

362. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In the light of article 34 and related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. The Committee further recommends that the State party continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

363. With regard to the juvenile justice system in the State party, the Committee is concerned about its lack of full compatibility with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned about the conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of

last resort and that children are detained together with adults. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially, articles 37, 40 and 39 and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that the use of deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. The Committee encourages the State party to consider ratifying the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

364. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and Parliament and among the general public, including concerned non-governmental organizations.

10. Concluding observations: Kuwait

365. The Committee considered the initial report of Kuwait (CRC/C/8/Add.35) at its 487th to 490th meetings (CRC/C/SR.487-490), on 28 and 29 September 1998 and at the 505th meeting, held on 9 October 1998 adopted the following concluding observations.

(a) Introduction

366. The Committee welcomes the submission by the State party of its initial report. It also takes note of the submission of written replies to the list of issues (CRC/C/Q/KUW/1). It further notes that while the report did not fully comply with the Committee's guidelines, the frank, self-critical and constructive dialogue contributed to a better understanding of the situation in the State party.

(b) Positive aspects

367. The Committee notes the existence in Parliament of the Committee on Human Rights. It also notes the recent establishment within the Ministry of Justice of a unit dealing with human rights issues, including a mechanism for the consideration of individual complaints.

368. The Committee takes note of the fact that the Convention is self-executing within the State party and that its provisions may be invoked before the courts.

369 The Committee finds commendable the extensive social welfare services available to citizens of the State party at either no cost or at only a fraction of the real cost, including public services relating to education, health, social care and housing.

370 The Committee welcomes efforts by the State party to mainstream children with disabilities, or who have learning difficulties, within regular classes, while at the same time providing complementary courses catering for the special needs of those children.

371 The Committee welcomes the organization of an "Arab Day for Children" in the State party as a way for children better to understand their rights under the Convention.

(c) Factors and difficulties impeding the implementation of the Convention

372 The Committee is aware that physical and psychological hardship resulting from the Gulf war still affects a substantial number of children and their parents. The Committee notes that there remain unresolved issues concerning family reunification since the end of the Gulf war and this situation is a serious constraint on the full implementation of the Convention.

(d) Principal subjects of concern and Committee recommendations

373 The Committee notes with concern the declarations on articles 7 and 21 of the Convention made by the State party upon ratification of the Convention. In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider the possibility of reviewing the declarations.

374 While the Committee notes that the State party has developed a legislative framework, it is still concerned that the provisions and principles of the Convention are not fully reflected in law. The Committee recommends that the State party take all appropriate measures to engage, where necessary, in a process of law reform, for example by enacting a children's code to ensure full conformity with the Convention.

375 The Committee is concerned that the State party does not appear to have a comprehensive policy to promote and protect children's rights, and that it does not have a central evaluation and monitoring body for coordination between different ministries and between the central Government and local authorities. The Committee encourages the State party to adopt a national strategy for children, to establish a mechanism of coordination, evaluation and monitoring to implement policies and programmes for children in the light of the Convention. The Committee also recommends that the State party further its cooperation with the non-governmental organizations and to involve these organizations in such coordination and monitoring bodies.

376 In spite of the recent establishment within the Ministry of Justice of a unit dealing with human rights issues, including a mechanism for the consideration of individual complaints, the Committee expresses concern that there is insufficient awareness of this mechanism and how it can be used to register and address complaints from children concerning violations of their

rights. The Committee suggests that the State party take appropriate measures to ensure that this mechanism is better known, including how it can be used by or on behalf of children to make complaints in the case of violations of their rights and to seek remedy for such violations.

377. The Committee is concerned that insufficient measures have been taken for the development of indicators and the systematic collection of disaggregated data on the areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and to assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be strengthened with a view to incorporating all the areas covered by the Convention. Such a system of disaggregated data should include all children, with specific emphasis on vulnerable ones, including those who are victims of abuse or ill-treatment, children belonging to minority groups, including in particular the Bedoons, or to migrant families, children with no residence permit, children involved with the administration of juvenile justice, the girl child, children of single-parent families and children born out of wedlock, abandoned children, institutionalized children and those with disabilities. The Committee recommends that the State party consider seeking technical assistance from, inter alia, UNICEF in the development of such a data collection system.

378. The Committee notes with concern that professional groups, children and the public at large are not generally aware of the principles and provisions of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee also recommends that systematic training and retraining programmes on the rights of the child be organized for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officials and personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administrations, personnel of childcare institutions, the mass media. Systematic dissemination of the principles and provisions of the Convention to non-governmental organizations, the mass media and the public at large, including children themselves, should be enhanced. The Committee suggests that the State party incorporate the Convention in school and university curricula. In this regard, the Committee also suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

379. The Committee notes with concern that the legal age of criminal responsibility, at seven, is very low. Concern is also expressed at the low legal minimum age for marriage for girls, set at 15, while the minimum age for boys is set at 17. The Committee recommends raising the minimum legal age for criminal responsibility, in the light of the provisions and principles of the Convention and other relevant United Nations standards. In the light of the provisions and principles of the Convention, especially its articles 1, 2, 3, 6, 12 and 24, the Committee also recommends that the State party take all appropriate measures to raise the legal minimum age for marriage for girls to at least the same age as that set for boys.

380. The Committee is concerned that the welfare policies and practices prevailing in the State party do not adequately reflect the rights-based approach enshrined in the Convention. It also wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and

development) and 12 (respect for the views of the child), in its legislation and in its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, not only guide policy discussions and decision-making, but also are appropriately reflected in any legal revision, judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children.

381. The Committee is concerned that neither the Constitution nor legislation fully conforms to article 2 of the Convention, and does not specifically prohibit discrimination on the basis of race, colour, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The Committee is concerned at the existence of some laws, regulations or practices which are discriminatory towards non-Kuwaitis and girls, especially with regard to the right to education and inheritance. The Committee encourages the State party to review its legislation with a view to prohibiting discrimination on all grounds covered by article 2 of the Convention. Furthermore, in light of article 2 of the Convention, which requires State parties to ensure the implementation of all rights recognized by the Convention to each child within their jurisdiction, the Committee recommends the State party to take all appropriate measures to safeguard the rights of Bedoon children, migrant children, other non-citizens, and girls, especially with regard to access to education, health and other social services. Lastly, the Committee recommends that all appropriate measures be taken to guarantee that girls are systematically treated equally, especially with regard to the right to inheritance.

382. The Committee is concerned that the unusual demographic situation of the State party, in which only about 34 per cent of the population has Kuwaiti nationality, may have resulted in discrimination against non-Kuwaitis. The Committee is concerned at discrimination affecting children of the Bedoon community and young migrant workers. In the light of article 2 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure that each child living within its jurisdiction is ensured without discrimination the full enjoyment of the rights set forth in the Convention. It also recommends that the State party consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

383. The Committee is concerned at the lack of awareness regarding the participatory rights of children. Concern is further expressed at the absence, in legal proceedings affecting a child, of a legal requirement that the views of the child be solicited. In the light of article 12 of the Convention, the Committee recommends that the State party take all appropriate measures to encourage participation of children in the family, in institutions, at school and in society. It also recommends that the relevant authorities ensure by all available means, including legislative means, that, according to his or her maturity, the views of children are an integral part of all decisions affecting them.

384. The Committee is further concerned that in the light of the State party's legislation regarding citizenship, nationality may only be obtained by a child from his/her Kuwaiti father. The Committee recommends that domestic legislation be amended to guarantee that the acquisition of Kuwaiti nationality be determined in light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

385 The Committee expresses its concern about the lack of a specific prohibition in domestic legislation of the use of corporal punishment. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment in schools, in the family and other institutions, and in society at large. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, in the light of article 28.2 of the Convention.

386 The Committee is concerned at the insufficient awareness of and lack of information on domestic violence, ill-treatment and abuse, including sexual abuse, both within and outside the family, at the insufficient legal protection measures and insufficient resources, as well as at the lack of adequately trained personnel to prevent and combat such abuse. In the light of article 19 of the Convention, the Committee recommends that the State party undertake multidisciplinary studies on the nature and scope of ill-treatment and abuse, including sexual abuse, with a view to adopting adequate measures and policies, in order to, inter alia, change traditional attitudes. It also recommends that a special complaint mechanism be established for children to report such ill-treatment, domestic violence and abuse. It further recommends that cases of abuse and ill-treatment of children, including sexual abuse within the family, be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. It is also recommended that consideration be given to adopting child-friendly rules for the provision of evidence in such proceedings. Further measures should be taken with a view to ensuring the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

387 The Committee is concerned at the potential for stigmatization of a woman or couple who decide to keep a child born out of wedlock, and at the impact of this stigmatization on the enjoyment by such children of their rights. The Committee recommends that the State party take all appropriate measures to create an adequate framework that would facilitate the choice of a woman or couple to whom a child is born out of wedlock to keep and raise the child.

388 The Committee is concerned that the State party does not have a procedural requirement for periodic review and systematic monitoring when children are placed in alternative care, such as in a children's home, a guest house or any other similar institution. The Committee recommends that special attention be given to children living in institutional care, including children born out of wedlock. Alternatives to institutional care, such as foster care, should be developed and an appropriate mechanism for the systematic monitoring and review of placement in institutional care should be established, in the light of article 25 of the Convention.

389 The Committee is concerned at the recent increase in the number of children living and/or working on the streets, especially children of the Bedoon community. It recommends that all appropriate measures be taken to provide access to school to all children and prevent and combat school drop-out. It also recommends the development of vocational training projects, as well as of adequate social programmes.

390 The Committee is concerned at the high level of malnutrition among children in the State party, mainly due to poor nutrition. The Committee recommends that the State party take all appropriate measures, such as awareness-raising campaigns in and outside schools and counselling, to sensitize adults, especially parents and domestic servants, and children alike to the importance of quality nutrition.

391 Regarding adolescent health, the Committee is concerned at the high mortality rate among male adolescents, due to external causes and accidents. It is also concerned at the lack of comprehensive data and information on the health status of adolescents in general, especially with regard to drug and substance abuse, sexually transmitted diseases and HIV/AIDS, teenage pregnancy, violence and suicide among young people, and by the lack of treatment and rehabilitation services. The Committee suggests that a comprehensive and multi-disciplinary study be undertaken on adolescent health problems, with data disaggregated by age and gender, to serve as the basis for developing and promoting adolescent health policies. The Committee also recommends that further efforts be undertaken to develop youth friendly care, counselling and rehabilitation facilities for adolescents.

392 In the light of the provisions and principles of the Convention, especially its articles 2, 3, 6, 12 and 24.3, the Committee is concerned at the practice of early marriage. It recommends that the State party undertake all appropriate measures, including legal measures, awareness-raising campaigns with a view to changing attitudes, counselling and reproductive health education, to prevent and combat this traditional practice which is harmful to the health and well-being of girls and the development of the family.

393 The Committee is concerned that the State party does not have specific domestic legislation for determining the status of and protecting refugees, including children, and is currently not a party to any of the main treaties on statelessness or refugees. The Committee recommends that the State party review its domestic legislation with a view to including provisions for determining the status of and protecting refugees, including children, especially with regard to access to education, health and other social services. The Committee also recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

394 The Committee recognizes that the State party is still recovering from the effects of the Gulf war and that landmines pose a continuing threat to the population and have already given rise to numerous casualties, including children. The Committee stresses the importance of educating parents, children and the general public about the dangers of landmines. The Committee recommends that the State party review the situation with regard to landmines within the framework of technical assistance, including from United Nations agencies. The Committee further suggests that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997).

395 The Committee is concerned at the absence of data, information and comprehensive research on the issue of sexual abuse and exploitation of children. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party

reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including rehabilitation measures, to combat this phenomenon. The Committee urges the State party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

396. The Committee is concerned at the situation of the administration of juvenile justice and in particular its full compatibility with the Convention, as well as other relevant United Nations standards. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of all the rights of children deprived of their liberty and, when appropriate, to encouraging alternatives to the processing of cases through the regular penal system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

397. The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and these concluding observations be made widely available to the public at large, including non-governmental organizations, and that consideration be given to publishing the report, along with the relevant summary records, the list of questions and written answers thereto, and the concluding observations of the Committee. It is suggested that such a document could be widely distributed in order to generate debate on and awareness of the Convention, as well as to serve as a reference for the implementation of the Convention by the State party.

11. Concluding observations: Thailand

398. The Committee considered the initial report of Thailand (CRC/C/11/Add.13) at its 493rd to 495th meetings (CRC/C/SR.493-495) on 1 and 2 October 1998, and at the 505th meeting, held on 9 October 1998 adopted the following concluding observations.

(a) Introduction

399. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/THA/1). The Committee notes the detailed and comprehensive structure of the report but regrets that it does not fully follow the established guidelines. The Committee also notes the constructive, open and frank dialogue it had with

the delegation of the State party, and the additional information it received during the discussion. The Committee notes with appreciation the active participation of children and non-governmental organizations in its dialogue with the State party.

(b) Positive aspects

400. The Committee notes the State party's recent adoption of a new Constitution (1997) which guarantees the promotion and protection of human rights, including children's rights as recognized by the Convention, and calls for the establishment of a national human rights committee charged with monitoring human rights.

401. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it welcomes the enactment of the Amended Criminal Procedure Code concerning indecent acts committed against both boys and girls; the Criminal Procedure Code concerning juvenile defendants below the age of 18 years; the Act concerning Measures of Prevention and Suppression of the Trafficking in Women and Children of 1997; the Prevention and Suppression of Prostitution Act of 1996; the Occupational Training Promotion Act of 1993; and the Labour Protection Act of 1998.

402. The Committee notes that the Eighth National Economic and Social Development Plan (1997-2001) has given priority to human development, including child protection and participation. In this regard, it welcomes the initiatives to extend greater development opportunities to vulnerable and disadvantaged groups and implement special monitoring systems in the area of child labour and prostitution. The Committee also welcomes the State party's establishment of indicators, including social indicators (basic minimum needs); indicators on child and youth development; and indicators on child rights.

403. The Committee notes the cooperation between the State party and non-governmental organizations, particularly in the preparation of the report, and the current initiative to review policies and legislation to ensure compliance with the Convention.

(c) Factors and difficulties impeding the implementation of the Convention

404. The Committee acknowledges that the current economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the high level of external debt, the requirements of the structural adjustment programme and the increasing level of unemployment and poverty.

(d) Subjects of concern and Committee recommendations

405. While noting with appreciation that the State party has withdrawn its reservation with respect to article 29 of the Convention, the Committee is concerned at the remaining reservations (to arts. 7 and 22), made by the State party upon ratification of the Convention. In this regard, the Committee notes that the State party has recently (1997) ratified without reservation the International Covenant on Civil and Political Rights, and wishes to draw attention in particular to the provisions of articles 2 and 24 of the Covenant. In the light of the Vienna Declaration and

Programme of Action of 1993 and the recent ratification of the International Covenant on Civil and Political Rights, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to withdrawing them.

406. The Committee notes that the State party has developed a substantive legislative framework. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention. In this regard, the Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children.

407. While the Committee notes the establishment of the Corrupt Practices Commission, the need to strengthen law enforcement and combat corrupt practices in all areas covered by the Convention is still of particular concern to the Committee. The Committee therefore recommends that the State party take all appropriate measures, including training, to strengthen law enforcement and prevent corrupt practices.

408. While noting the efforts of the National Youth Bureau to facilitate the coordination of child rights issues, the Committee is concerned that involvement and coordination at the local level is still somewhat limited. The Committee recommends that the State party adopt a comprehensive approach to the implementation of the Convention by, inter alia, decentralizing the process of promoting and protecting children's rights. The Committee also recommends that further steps be taken by the State party to strengthen coordination through the National Youth Bureau, particularly at the local level.

409. While noting the development of indicators for monitoring the implementation of the Convention, the Committee is still concerned that the current data-collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are vulnerable, including economically exploited children, children of single-parent families, children born out of wedlock, institutionalized children and children of nomadic and hill tribe communities.

410. The Committee expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee also suggests that the State party institute an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

411. The Committee takes note of the State party's increased social expenditure allocations, even in difficult economic circumstances. The Committee remains concerned, however, that in the light of article 4 of the Convention, not enough attention has been paid to making budgetary

allocations in favour of children "to the maximum extent of ... available resources". In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

412. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children and the public at large are generally not sufficiently aware of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it recommends that the Convention be translated into and made available in all minority or indigenous languages. The Committee also recommends the appropriate, systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, military officers and personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration and personnel of childcare institutions. The Committee encourages the State party to take measures to raise awareness among the media and the public at large concerning the rights of the child. It suggests that the State party seek to ensure that the Convention is fully integrated into school and university curricula. In this regard, the Committee also suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

413. The Committee expresses its concern at the low minimum legal age for criminal responsibility. It is also concerned that no legal age is established for the attainment of majority. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention.

414. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially the general principles reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but also are appropriately reflected in any legal revisions or judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children.

415. The Committee acknowledges the efforts made by the State party to reach vulnerable groups. The Committee is still concerned, however, that the measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including girls, children with disabilities, children belonging to minorities including hill tribes, children living in rural areas, children living in poverty, children living and/or working on the streets and asylum seeking children, illegal-immigrant children, children in the juvenile

justice system and children born out of wedlock. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.

416. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, as well as within the school, care and judicial systems.

417. The Committee notes that the State party has enacted legislation to guarantee registration at birth (the Registration of Inhabitants Act), but is concerned that many children are still not registered, particularly those living in nomadic and hill tribe communities. In the light of article 7 of the Convention, the Committee recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee also encourages the State party to adopt measures to regularize the situation of hill tribe children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

418. The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools. It is concerned, however, that corporal punishment is still practised and that domestic legislation does not prohibit its use within the family, the juvenile justice and alternative care systems, and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

419. The Committee notes the establishment by the State party of a programme to encourage the reinforcement of the family environment and to strengthen parenting skills among both parents. The Committee remains concerned, however, at the high rate of abandonment of children, especially children born out of wedlock and children of poor families. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts to provide support, including training, for parents, to discourage the abandonment of children. It is also recommended that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

420. The Committee notes the efforts by the State party to provide protection to child victims. However, the lack of awareness and information on domestic violence, the ill-treatment and abuse of children, including sexual abuse - both within and outside the family - the lack of appropriate resources - both financial and human - and the lack of adequately trained personnel to prevent and combat abuse remain matters of concern. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse,

including sexual abuse, to understand the scope and nature of the phenomenon, in order to adopt adequate measures and policies and contribute to changing traditional attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure, that sanctions be applied to perpetrators and that publicity be given to decisions taken in such cases, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and prevention of the criminalization and stigmatization of victims.

421. While the Committee notes the efforts of the State party to reduce the child and infant mortality rates, it is still concerned at the persistence of poor breastfeeding practices and the high rate of malnutrition. The Committee encourages the State party to develop comprehensive policies and programmes to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children, and consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

422. The Committee is particularly concerned over the absence of data on adolescent health, including on teenage pregnancy, abortion, suicide, accidents, violence, substance abuse and HIV/AIDS. In this regard, the Committee recommends that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and sexually transmitted diseases. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth friendly care and rehabilitation facilities for adolescents.

423. The Committee is concerned that the State party has not yet fully implemented the Rehabilitation of the Disabled Act of 1991. In this regard, the Committee also expresses its concern at the lack of adequate facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

424. While the Committee notes the high rate of school enrolment, particularly at the primary level, and the recent initiative to establish additional schools in rural communities, it is still concerned that some children, particularly those living in poverty and in nomadic and hill tribe communities, do not have access to education. In the light of the recent economic constraints, the Committee is also concerned at the number of children, particularly girls, leaving school

prematurely to engage in labour. The Committee recommends that all appropriate measures be taken to provide equal access to education for all children in Thailand. The Committee further recommends that the State party seek to implement additional measures to encourage children, particularly girls and children from poor and hill tribe families, to stay in school, and to discourage early employment.

425. The Committee notes the efforts of the State party to ensure protection and humanitarian assistance to displaced children. The Committee expresses its concern, however, that the legal framework for protection of unaccompanied and asylum seeking children remains unclear. It is also concerned at the situation of children deprived of their liberty placed in immigration detention centres, especially in view of the lengthy detention periods. The Committee recommends clarification of the State party's legislative framework to ensure adequate protection of unaccompanied and asylum seeking children, including in the field of physical safety, health and education. Procedures should also be established to facilitate family reunification. All appropriate measures should be taken by the State party to avoid the placement of asylum seeking children in immigration detention centres. The State party may consider seeking assistance from UNHCR in this regard. The Committee also suggests that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1966 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

426. While welcoming the recent adoption of the Labour Protection Act of 1998, in which the minimum legal age for access to work has been increased from 13 to 15 years, the Committee remains concerned at the high rate of economic exploitation, as well as at the increasing number of children leaving school, sometimes at an early age, to work to support themselves and their families. In this regard, the Committee encourages the State party to introduce monitoring mechanisms to ensure enforcement of labour laws. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment.

427. The Committee expresses concern at the continuing high rate of sexual abuse of children, including child prostitution and trafficking and sale of children, which affects both girls and boys. In this regard, the Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. Further, the State party should seek to step up its efforts to implement an awareness-raising campaign and a thorough monitoring system at the community level. Rehabilitation within, as well as outside of, institutions should be further enhanced. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children and encourage their rehabilitation, including within the framework of the regional Mekong Conference on Migration. The Committee urges the State party to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children. It also recommends that the State party envisage ratifying the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

428. While the Committee notes that the State party has enacted legislation relating to the establishment of juvenile courts, it is still concerned at the general situation with regard to the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is particularly concerned that the juvenile justice system is not implemented throughout the State party. The Committee is also concerned at reported cases of ill-treatment of children by law enforcement personnel. The Committee recommends that the State party consider taking additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time to protecting the rights of children deprived of their liberty and to expanding the juvenile justice system to ensure full coverage throughout the State party. Training programmes on relevant international standards should be organized for all professionals involved with the system of juvenile justice. The Committee also recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

429. The Committee notes the recommendations proposed by the State party in its initial report regarding the implementation of the Convention. The Committee encourages the State party to implement the proposed recommendations.

430. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and the present concluding observations of the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.

12. Concluding observations: Austria

431. The Committee considered the initial report of Austria (CRC/C/11/Add.14) at its 507th to 509th meetings (see CRC/C/SR.507-509), held on 12 and 13 January 1999 and at the 531st meeting, held on 29 January 1999 adopted the following concluding observations.

(a) Introduction

432. The Committee welcomes the submission of the initial report of the State party and expresses its appreciation for the clear and comprehensive nature of the report, which followed closely the Committee's guidelines. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/AUSTRIA/1) and the additional information provided to it during the

course of the dialogue and immediately afterwards, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and open dialogue with the State party delegation, which included a student.

(b) Positive aspects

433. The Committee commends the State party on its prohibition of all forms of corporal punishment through its 1989 ban on "any type of physical or psychological abuse of children as a means of education" (CRC/C/11/Add.14, para. 256). It also notes additional efforts to increase protection of children against abuse, including the adoption of a comprehensive list of measures against violence in family and society and of an Action Plan against Child Abuse and against Child Pornography in the Internet. The Committee notes the adoption in August 1998 of a resolution of the European Union Council on Youth Participation, on the proposal of the Austrian presidency.

434. The Committee welcomes the establishment of the ombudsman systems for children and adolescents in each of the nine Länder, and at the federal level.

435. The Committee notes with satisfaction the functioning of a comprehensive pattern of student representation in the school system.

436. The Committee welcomes the adoption of legislation establishing extraterritorial jurisdiction for nationals of the State party involved in the sexual exploitation of children.

(c) Principal subjects of concern and the Committee's recommendations

437. The State party maintains two reservations affecting articles 13 and 15, and article 17 of the Convention. The Committee takes note of the commitment of the State party to review its reservations, in light of the Vienna Declaration and Programme of Action of 1993, with a view to their withdrawal.

438. The Committee is concerned that the federal system in the State party may on occasion pose difficulties for the federal authorities in their effort to implement the provisions of the Convention while ensuring the principle of non-discrimination, in accordance with the provisions of article 2 of the Convention. The Committee urges the State party to ensure that the existing mechanisms of coordination and reliance on general constitutional principles are fully utilized so as to protect children fully from any disparity with respect to areas within the "exclusive competence" of the Länder.

439. The Committee appreciates the diligent review of existing legislation to examine its conformity with the provisions of the Convention, as requested by a 1992 parliamentary resolution. It notes with satisfaction the State party's commitment to submit to a parliamentary hearing a proposal to incorporate the principles and provisions of the Convention into the Constitution, and to invite the parliaments of the Länder to consider the same possibility in the context of regional constitutional reforms. The Committee remains concerned about inconsistencies between domestic legislation and the principles and provisions of the Convention, especially with regard to the right to family reunification and some rights of

immigrant, asylum seeking and refugee children. The Committee recommends that the State party take all necessary measures to ensure that all its domestic legislation is in full conformity with the principles and provisions of the Convention, and in particular with articles 9, 10, 20 and 22.

440. The Committee is concerned that no governmental body, at the federal or the Land level, seems to have a clear mandate to coordinate and monitor the implementation of the Convention. The Committee recommends that the State party take all appropriate measures to ensure effective coordination and monitoring of activities relating to the implementation of the Convention, at all levels of Government.

441. The Committee notes that recent budgetary austerity measures have had an impact on children, and may in particular affect the more vulnerable and disadvantaged groups. While noting the recent decision to undertake a comprehensive reform of family assistance measures which should lead to improvements in financial help to families through increased allowances and tax deductions, the Committee remains concerned that other budgetary austerity measures introduced in recent years have not been reversed. While the welfare system can be considered generous, article 4 of the Convention still imposes an obligation to seek further improvements, particularly given the comparatively high level of available resources. The Committee recommends that the State party take all necessary measures to ensure implementation of economic, social and cultural rights to the "maximum extent of available resources".

442. The Committee notes that the State party contributes 0.33 per cent of its gross domestic product for development assistance (GDP) and has a specific budget line for children-related projects, for example, support to the ILO's International Programme for the Elimination of Child Labour. The Committee encourages the State party to consider allocating a fixed percentage of its international development cooperation funds to programmes and schemes for children. The Committee also encourages the State party to strive to achieve the United Nations target of 0.7 per cent of GDP for international development assistance.

443. Cooperation with and involvement of NGOs in the implementation of the Convention, including preparation of the reports, remain limited. The Committee encourages the State party to consider more proactive measures to involve NGOs in the implementation of the Convention.

444. While noting initial efforts to disseminate the Convention, the Committee considers that education and training activities for professional groups need to be expanded. The Committee recommends that the State party renew its efforts to disseminate the Convention, in appropriate languages, both to children and to a broader public. It also recommends that the State party undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.

445. Austrian law and regulations do not provide a legal minimum age for medical counselling and treatment without parental consent. The Committee is concerned that the requirement of a referral to the courts will dissuade children from seeking medical attention and be prejudicial to

the best interests of the child. The Committee recommends that, in accordance with the provisions of articles 3 and 12 of the Convention, an appropriate age and structures for medical counselling and treatment without parental consent be set by law.

446. The Committee is concerned about remaining instances of gender discrimination. The Committee recommends that the State party consider undertaking an in-depth study of the ages of sexual consent and sexual relations, taking into account present legislation, its implications and its impact on children in the light of the principles and provisions of the Convention, with a view to ensuring that the legislation is as conducive to the realization of the rights of girls as of boys and having regard for the best interests of the child.

447. The Committee regrets that forced sterilization of mentally disabled children is legal with parental consent. The Committee recommends that existing legislation be reviewed so as to make sterilization of mentally disabled children require the intervention of the courts, and that care and counselling services be provided to ensure that this intervention is in accordance with the provisions of the Convention, especially article 3 on the best interests of the child and article 12.

448. While noting that studies are under way concerning possible reforms to the criminal law, the Committee is concerned that existing legislation protects children from sexual exploitation through pornography or prostitution only up to the age of 14. The Committee recommends that the State party take all appropriate measures to ensure that the age of sexual consent does not conflict with the right of all children to be fully protected from exploitation. In this regard, the Committee also encourages continued consideration of the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

449. Regarding article 11, the Committee notes with satisfaction that Austria is a party to the 1980 European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Committee encourages the State party to promote the conclusion of bilateral agreements to the same effect with States that are not parties to the two above-mentioned conventions. The Committee also recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer and non-return of children arising in such States, in the best interest of the children involved.

450. The Committee is concerned about the extended time-frame for the review of placement ordered by the courts for mentally ill children. The Committee encourages the State party, in determining the periodicity for the review of placement, to consider the principles and provisions of the Convention, in particular the best interests of the child.

451. Regional disparities, including differences between rural and urban areas, exist in the provision of rehabilitation services for abused children. The Committee recommends that the State party take all appropriate measures to fully implement the right of the child to physical and psychological recovery and social reintegration in accordance with article 39 of the Convention.

452. The Committee takes note of the efforts of the State party to integrate children with disabilities by providing a wide range of services. The Committee encourages the State party to continue its efforts to promote the social inclusion of children with disabilities in accordance with article 23 of the Convention.

453. The Committee is concerned that, in spite of the provision of additional financial resources, the number of places available in services such as kindergarten and pre-school facilities appears to be inadequate. In light of article 18.3, the Committee recommends to the State party to take all appropriate measures to increase the number of places in kindergarten and pre-school facilities, such as day care.

454. The Committee shares the State party's concern that "a large number of children in Austria are living on the edge of poverty" (CRC/C/11/Add.14, para. 373), and the increase in family allowances and tax deductions planned for 1999 and 2000 may not be sufficient to prevent poverty. The Committee recommends that all appropriate measures be taken to prevent poverty in light of the principles and provisions of the Convention, especially its articles 2, 3, 6, 26 and 27.

455. Noting that in the school curriculum "civic education" incorporates, inter alia, human rights and children's rights, but does not appear to refer specifically to the Convention, the Committee encourages the State party to include specific information on the provisions of the Convention in its school curriculum.

456. The Committee notes that budgetary austerity measures have affected the working of the school system, for example by introducing some family contributions for school books and enrichment activities, or by reducing the choice of optional subjects. The Committee recommends that these measures be examined carefully with regard to their impact on the progressive implementation of the child's right to education and leisure activities in accordance with articles 28, 29 and 31 of the Convention, and in particular so as to limit their impact on the most vulnerable and disadvantaged groups.

457. Notwithstanding the 1997 Alien's Act requirement to use "more lenient means when minors are involved", the Committee is seriously concerned about legislation which permits the detention of asylum seeking children pending deportation. The Committee urges the State party to reconsider the practice of detaining asylum seeking children, and that such children be treated in accordance with the best interests of the child and in view of the provisions of articles 20 and 22 of the Convention.

458. The Committee is concerned that domestic legislation permits children from the age of 12 to be involved in light work, and recommends that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment and changing its domestic legislation accordingly.

459. With regard to juvenile justice, the Committee remains concerned about the lack of disaggregated statistics on types of offence, length of sentences, length of pre-trial detention, etc. The Committee requests that further information on the situation of children in prison be provided and urges the State party to ensure the full compatibility of the juvenile justice system

with the Convention, especially articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

460 While acknowledging the steps taken to ensure the rights of children belonging to minorities, and in particular the projects providing school assistance and linguistic and cultural support to children belonging to the Roma group, the Committee remains concerned about social and other discrimination faced by children belonging to the Roma and other minorities, and in particular by those belonging to groups that do not enjoy the constitutional status of "ethnic groups" (see CRC/C/11/Add 14, para 517). The Committee recommends that the State party take all appropriate measures to protect and ensure the rights of Roma, Sinti and other minority children, including protection from all types of discrimination, in accordance with articles 2 and 30 of the Convention.

461 Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the parliament and non-governmental organizations.

13. Concluding observations: Belize

462 The Committee considered the initial report of Belize (CRC/C/3/Add 46) at its 511th to 513th meetings (CRC/C/SR 511-513) on 14 and 15 January 1999, and at the 531st meeting, held on 29 January 1999 adopted the following concluding observations.

(a) Introduction

463 The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/BELI/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

464 The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Families and Children's Act of 1998 which aims to reform and consolidate the law relating to families and children and provide for the care, protection and maintenance of children. The Act also makes provisions with respect to the fostering and adoption of children.

465 The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the organization of an election for schoolchildren to choose the

provisions of the Convention most significant to them as well as the State party's use of appropriate materials and popular oral forms in disseminating the provisions and principles of the Convention. The Committee also notes the establishment of a school nutrition programme for primary schoolchildren.

466. The Committee notes with appreciation the efforts by the State party to strengthen cooperation with NGOs and welcomes the recent appointment of a focal point for NGOs within the Ministry of Human Development, Women and Youth. The Committee also notes the inclusion of NGOs in the National Committee for Families and Children which has responsibility for promoting the implementation of the Convention; promoting improved coordination, planning and implementation of child-related programmes; and advocating for the adoption and implementation of positive policies for families and children.

(c) Factors and difficulties impeding the implementation of the Convention

467. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

(d) Subjects of concern and the Committee's recommendations

468. The Committee notes the recent efforts by the State party to introduce legislative reform. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights.

469. The Committee regrets that the State party has not acceded to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee notes that these two international human rights instruments would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. The Committee encourages the State party to consider the possibility of acceding to both instruments.

470. While noting the efforts of the National Committee for Families and Children in facilitating the coordination and monitoring of child rights issues, the Committee is concerned that involvement and coordination at the local level are still somewhat limited. The Committee is also concerned that the State party has not yet implemented its National Plan of Action for Children or its National Plan of Action for Human Development. The Committee recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of measures at the local level to promote and

protect children's rights. The Committee also recommends that further steps be taken by the State party to strengthen its coordinating efforts through the National Committee for Families and Children, particularly at the local level. The Committee also encourages the State party to implement its National Plan of Action for Children and the National Plan of Action for Human Development.

471. The Committee notes the recent formation of a Social Indicators Committee responsible for monitoring quality data collection throughout the State party and ensuring its comprehensive analysis. The Committee is still concerned, however, that the current data-collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock; sexually abused children; and institutionalized children.

472. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party undertake an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

473. The Committee notes the impact of economic policies and the structural adjustment programme which have had adverse effects on social investment. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of children to the maximum extent of available resources. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

474. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, particularly within the primary school system, the Committee remains concerned that professional groups, children not regularly enrolled in school and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available, including through popular oral forms, in

all minority and indigenous languages. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration, and personnel of childcare institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large on the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

475. The Committee expresses concern at the low minimum legal age for marriage (14). The Committee is also concerned that the law does not allow children, particularly adolescents, to pursue medical or legal counselling without parental consent, even when it is in the best interests of the child. The Committee notes with concern that domestic legislation does not provide a legal minimum age for conscription into the armed forces. The Committee is concerned at the proposal of the State party to establish 16 years as the legal minimum age for conscription. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention. The Committee further encourages the State party to set a legal minimum age for conscription and to set that age at 18 years rather than 16 years as proposed by the State party.

476. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

477. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution as well as in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock and institutionalized children. The Committee recommends to the State party to increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

478. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, especially in schools, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family and the care and judicial systems.

479. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that this legislation is not fully consistent with the principles and provisions guaranteed under the Convention. The Committee is also concerned that many children are still not registered, particularly immigrant children and those living in remote rural communities. The lack of awareness about registration procedures is also a matter of concern for the Committee. In light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake legislative reform with a view to ensuring that fathers are also made responsible for the registration of their children and that children born out of wedlock are guaranteed their right to preservation of identity, name and family relations. The Committee also recommends that all necessary measures be taken to ensure that birth registration is made accessible to all children within the State party. In this regard, the Committee also suggests that the State party seek to implement, at the earliest opportunity, its proposal to introduce a mobile birth registration programme as well as additional district facilities to reach those families in remote rural communities. The Committee also recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee encourages the State party to adopt measures to regularize the situation of immigrant children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

480. The Committee expresses grave concern that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use within schools, the family, the juvenile justice and alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

481. The Committee notes the proposal of the State party to introduce a Community and Parent Empowerment Project which aims to assist parents in managing their parental responsibilities and strengthening their parenting skills. The Committee remains concerned, however, at the large and increasing number of single-parent families as well as the high number of abandoned children, especially children born out of wedlock, children of poor families, and children whose parents have left the country in search of economic opportunities. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts in providing support, including training, for parents, especially fathers, to discourage the abandonment of children. It is also recommended that the State party develop additional

programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

482. While noting the legal provisions regarding domestic as well as intercountry adoption, the Committee remains concerned at the widespread practice of informal adoptions, especially in rural areas. In light of article 21 of the Convention, the Committee recommends that the State party take all necessary measures, including the implementation of proper monitoring procedures, to prevent the abuse of the practice of informal adoption. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

483. The Committee notes the proposals of the State party to host a consultation on domestic violence and to introduce, within the police department, a new unit to deal specifically with domestic violence. However, the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is particularly concerned that domestic legislation on sexual abuse does not include protective measures for boys. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate measures and policies and help change traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, sanctions applied to perpetrators and publicity given to decisions taken in such cases, with due regard for the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee also recommends to the State party to implement its proposal to introduce legislation making the reporting of child abuse mandatory and to undertake legal reform to ensure that boys are protected. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

484. The Committee expresses its concern at the lack of policies and programmes aimed at mother and child interaction activities within the home to promote leisure and creative play for children, particularly those under the age of two years. The Committee notes that such activities have a crucial bearing on the development of the child's cognitive abilities and their social and emotional development. In light of article 31 of the Convention, the Committee recommends that the State party undertake studies on play involving mother and child interaction with a view to developing adequate programmes and policies in this regard.

485. The Committee notes with concern the health situation of children in the State party and is particularly concerned at the high child and infant mortality rates, poor breastfeeding practices, high rate of malnutrition, increasing incidence of stunting and limited access to safe drinking water, especially in rural communities. The Committee encourages the State party to develop comprehensive policies and programmes to reduce the incidence of child and infant mortality, to

promote and improve breastfeeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and consider requesting technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

486. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy, HIV/AIDS and sexually transmitted diseases (STDs). The Committee recommends that the State party increase its efforts in promoting adolescent health policies and strengthening reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents.

487. The Committee notes the recent initiative by the State party to include children with disabilities in the primary school system. In this regard, the Committee further notes the recent introduction of a family/community-based approach to care programmes for children with disabilities. The Committee expresses its concern, however, at the absence of legal protection and the lack of adequate facilities and services for persons with disabilities, including children. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

488. The Committee remains concerned at the situation of education, particularly as regards overcrowding, the high drop-out rate, the lack of basic training materials, poorly maintained infrastructure and equipment, shortages of textbooks and other materials, the limited number of trained teachers and the lack of play space and recreational facilities. The Committee is also concerned that some children, particularly immigrant children and those living in poverty and among minority and indigenous communities, still do not have access to education. The Committee expresses further concern that the school curricula do not adequately address the special situation of non-English-speaking children, particularly the minority, indigenous and Spanish-speaking children. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this regard, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The Committee also recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education. The Committee further recommends that the State party seek to ensure the right of the child to rest and leisure and to engage in play

and recreational activities. The State party is further encouraged to review its educational policies and programmes with a view to ensuring that they adequately reflect the cultural and ethnic diversity of the population.

489. Child labour and economic exploitation are matters of concern. The Committee is particularly concerned about the situation of immigrant children working in the banana industry. The Committee encourages the State party to introduce monitoring mechanisms to enforce labour laws and protect children from economic exploitation. In this regard, it is further recommended that the State party undertake a study on the situation of children engaged in hazardous work, especially those employed in the banana industry. The Committee also suggests that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment.

490. The Committee is particularly concerned with the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the United Nations International Narcotics Control Board.

491. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is also concerned at the absence of specific legal provisions ensuring that children remain in contact with their families while in the juvenile justice system. Further concern is expressed at the situation of overcrowding in detention facilities; the holding of minors in adult detention facilities; and the lack of reliable statistical data on the number of children in the juvenile justice system. The Committee also expresses grave concern at the low minimum legal age of criminal responsibility (7). The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protecting the rights of children deprived of their liberty, and ensuring that children remain in contact with their families while in the juvenile justice system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on

Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice. The Committee also recommends that the State party increase the legal minimum age of criminal responsibility and ensure that its legislation is in conformity with the Convention in this regard.

492. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

14. Concluding Observations: Guinea

493. The Committee considered the initial report of Guinea (CRC/C/3/Add.48) at its 515th to 517th meetings (see CRC/C/SR.515-517), held on 19 and 20 January 1999 and at the 531st meeting, held on 29 January 1999 the following concluding observations.

(a) Introduction

494. While the Committee welcomes the submission of the initial report of the State party, which included concrete information on the situation of children, it takes note that the report did not strictly follow the guidelines established by the Committee. The Committee also takes note of the written answers to its list of issues (CRC/C/Q/GUI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

(b) Positive aspects

495. The Committee is encouraged by the fact that Guinea is a State party to the six major international instruments of the United Nations system for the protection of human rights. The Committee also welcomes the fact that Guinea has become a State party to the African Charter on the Rights and Welfare of the Child and to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

496. The Committee welcomes the establishment of several governmental structures, at the central level, for the protection and defence of children's rights in the State party, such as the Ministry of Social Affairs and Promotion of Women and Children's Rights (1994), the Guinean Committee for Monitoring, Protection and Defence of the Rights of Children (1995), and the Committee on Equity between Girls and Boys in Schooling (1991). The adoption of a National Programme of Action in favour of the Guinean Child is also welcome.

497. The Committee notes with appreciation the creation, in all the prefectures (at the local level), of Committees on Children (Comités pour l'enfance), which play a role of social mobilization and advocacy for the Guinean child. The establishment of a network of Mayors Defenders of Children (Maires défenseurs des enfants) at the municipal level is also welcomed.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

498. The Committee notes that the State party is among the least developed countries of the world. The Committee also notes that the implementation of structural adjustment programmes and the current presence within the territory of the State party of a large number of refugees from neighbouring countries affect the full implementation of the Convention.

499. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to the girl child.

(d) Principal subject of concern and Committee' Recommendations

500. While the Committee notes that the State party's legislation (e.g. Code des personnes et de la famille) covers several provisions of the Convention, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current legislation covering children's rights is fragmented in different laws without due regard to the integrated approach of the Convention. The Committee recommends that the State party take all necessary measures to review its legislation on children's rights with respect to its full conformity with the principles and provisions of the Convention. The Committee suggests that the State party consider enacting a comprehensive piece of legislation such as a Children's Code. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

501. Although the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child is in charge of coordinating and monitoring the implementation of the Convention, the Committee considers that there is still a need to strengthen the capacity of this institution, in particular with regard to its human and financial resources. The Committee recommends that the State party take all appropriate measures to strengthen the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child to enable it to fully assume its coordinating and monitoring role. It further recommends that the Guinean Committee take into consideration the holistic approach of the Convention to guarantee the complete realization of all the rights enshrined by the Convention.

502. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most hidden such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, including girls, children with disabilities, children living in rural areas, children living in poverty, children born out of wedlock, children victims of sale, trafficking and prostitution and refugee children. The Committee recommends that the State

party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF is encouraged.

503. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and the right to survival and development (art. 6).

504. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children need to be strengthened. The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike.

505. Although the Committee welcomes the efforts of the State party to carry out sensitization programmes on the Convention for local authorities and religious leaders, it considers that training programmes for professional groups working with and for children need to be further developed. The Committee encourages the State party to continue with its efforts in the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers.

506. The Committee takes note of the existence of a partnership between the authorities of the State party and non-governmental organizations working for and with children and is encouraged by the openness of the State party's authorities to involve representatives of the civil society in the process of reporting to this treaty body. Nevertheless, the Committee recommends that the State party strengthen its partnership with non-governmental organizations working in the field of children's rights.

507. The Committee is concerned about the different minimum legal ages for marriage for boys (18) and girls (16), and considers that this practice is contrary to the principles and provisions of the Convention, especially articles 2 and 3. The Committee recommends that the State party increase the minimum legal ages for marriage. It further recommends that the State party undertake awareness-raising campaigns on the negative effects of early marriages.

508. It is a matter of concern to the Committee that the State party does not yet appear to have fully taken into account the general principles contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the

views of the child) in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. Further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions, and are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

509 With regard to the implementation of article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized in the Convention, in particular in relation to matters of inheritance as well as access to education and health services. The Committee is particularly concerned at the situation of vulnerable groups of children, such as girl children, children with disabilities, children living in rural areas, children living in poverty, refugee children and children born out of wedlock. The Committee recommends that a more active approach should be taken to eliminate discrimination against vulnerable groups of children.

510 While recognizing the efforts of the State party for the establishment of a Children's Parliament, the Committee is still concerned that the participatory rights of children, as enshrined by the Convention, are not yet taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14), freedom of association and peaceful assembly (art. 15). The Committee recommends that the State party should further develop a systematic approach to increasing, including through the media, public awareness of the participatory rights of children in order to make these rights and their implications fully understood by the population at large.

511 The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of awareness on registration procedures, especially in rural areas. In light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are made widely known and understood by the population at large.

512 Although the Committee is aware that corporal punishment is prohibited by law, it remains concerned that traditional societal attitudes still regard the use of corporal punishment by parents as an acceptable practice. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in light of article 28 of the Convention. It further recommends that the State party ensure that alternative disciplinary measures are developed and administered within the family and schools.

513. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support to the existing ones supported by non-governmental organizations. Concern is also expressed about the low quality of living conditions in the existing care centres for children and the lack of adequate monitoring of placement conditions. The Committee is also concerned about the conditions of children living in an informal type of placement, whose situation is not periodically

reviewed in accordance with article 25 of the Convention. The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions. In light of article 25 of the Convention, the Committee further suggests the State party to systematically review the conditions of children living in an informal type of placement.

514. While the Committee takes note that a specific legal framework for adoption procedures is being discussed by the National Assembly, it remains concerned at the insufficient protection measures regarding domestic and intercountry adoption. The Committee encourages the State party to continue strengthening its legal provisions regarding domestic and intercountry adoption and to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

515. The Committee is concerned at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuses. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. In light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment, including domestic violence and sexual abuse of children. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

516. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality rates, it is still concerned about the prevalence of malnutrition as well as the limited access to health services, especially in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. The Committee suggests that the State party allocate appropriate resources and, when needed, consider seeking technical assistance to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy on children. International cooperation for the establishment of programmes such as the WHO/UNICEF programme Integrated Management of Childhood Illness is recommended.

517. While the Committee acknowledges the State party's efforts to combat and prevent STDs and HIV/AIDS, the Committee expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. The Committee recommends that programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS should be reinforced. International cooperation from UNICEF, WHO and UNAIDS is encouraged. The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80)

518. While welcoming the State party's innovative measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of girls, the Committee expresses its concern at the limited impact of these measures. The Committee recommends to the State party to strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the girl child. It encourages the State party to continue carrying out sensitization programmes for practitioners of female genital mutilation and other harmful practices.

519. While the Committee acknowledges the State party's efforts in the area of adolescent health, it is particularly concerned at the high and increasing rate of early pregnancies, high maternal mortality rate and the lack of access by teenagers to reproductive health education and services. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancies. The Committee recommends to the State party to promote adolescent health policies and programmes by, inter alia, strengthening reproductive health education and counselling services. The Committee encourages the State party to consider seeking international assistance from, inter alia, UNICEF and WHO.

520. In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination, establish special education programmes and centres and encourage the inclusion of disabled children into society. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities.

521. While the Committee welcomes the State party's efforts to provide access to pre-school education to all children, it remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates, as well as the low enrolment rate and limited access to education in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. The Committee recommends to the State party to undertake all appropriate measures to, inter alia, improve the access to education, especially of the most vulnerable groups of children, and to reinforce training programmes for the teaching personnel. Furthermore, the Committee suggests to the State party that attention should be given to incorporating the Convention and the teaching of human rights in the school curricula, especially within the framework of the United Nations Decade for Human Rights Education. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNESCO and UNICEF.

522. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. The absence of a legal and administrative framework to protect their rights; the fact that most refugee births are not

registered; the lack of alternative care measures for unaccompanied refugee children; and the arbitrary detention of refugee children are matters of concern. The Committee recommends to the State party to develop a legislative framework for the protection of refugee children and unaccompanied children; to establish alternative care for unaccompanied refugee children; to ensure that all refugee births are registered; and to ensure that refugee children are not subject to arbitrary detention. The Committee encourages the State party to continue working in close cooperation with international agencies active in the field of refugee protection such as UNHCR and UNICEF.

523. The Committee is concerned about the growing number of children who, owing, inter alia, to rural exodus, poverty, and violence and abuse within the family, have to live and/or work on the streets and therefore are deprived of their fundamental rights and exposed to various forms of exploitation. The Committee recommends to the State party to undertake research on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

524. The Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. The Committee recommends that the State party undertake a study on the scope of child labour with a view to using it as a framework for the development of strategies and programmes in this area. It suggests that the State party review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. Furthermore, it is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. International cooperation from the ILO can be sought to this effect.

525. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from being used in the illicit production and trafficking of such substances. It also encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.

526. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party engage in studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends to the State party to reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. The Committee further recommends to the State party

to use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

527. The Committee is concerned at the increasing phenomenon of trafficking and sale of children into neighbouring countries for work or prostitution. The insufficient measures to prevent and combat this phenomenon are also a matter of concern. In light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and reinforce law enforcement, and strengthen its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to this effect to prevent cross-border trafficking is strongly encouraged.

528. While welcoming the cooperation of the State party with non-governmental organizations and UNICEF in its efforts to monitor the situation of children deprived of liberty and the establishment of a juvenile justice system, the Committee expresses its concern at the insufficient number of facilities for the detention of juveniles and at the fact that juveniles are detained with adults. The Committee is also concerned at the insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee is further concerned that the deprivation of liberty of a child is not being used as a measure of last resort, as established by the Convention. The Committee recommends that the State party take all measures to fully integrate the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, policies and programmes. Furthermore, the Committee recommends to the State party to consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

529. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.

15. Concluding observations: Sweden

530. The Committee considered the second periodic report of Sweden (CRC/C/65/Add.3) at its 521st to 522nd meetings (see CRC/C/SR.521-522), held on 22 January 1999 and at the 531st meeting, held on 29 January 1999 adopted the following concluding observations.

(a) Introduction

531. The Committee welcomes the timely submission of the second periodic report and commends the State party for the submission to the Committee of additional information during the intervening period on its own initiative. The Committee expresses its appreciation for the

comprehensive nature of the report, while regretting that it did not entirely follow the Committee's guidelines, in particular by repeating information that had already been included in the initial report and making very limited reference to the concluding observations issued by the Committee upon its examination of that report and to their implementation. The report focuses too heavily on the description of legislative measures, while containing limited statistical and other information on the actual status of children. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/SWE/2) and the additional information provided to it during the course of the dialogue, which enabled it to assess progress in the implementation of the rights of the child in Sweden. The Committee welcomes the constructive dialogue with the State party delegation.

(b) Follow-up measures undertaken and progress achieved by the State party

532. The Committee appreciates the setting up of a parliamentary committee to review existing legislation to ensure its conformity with the principles and provisions of the Convention.

533. The Committee appreciates the efforts of the State party to implement the recommendations of the Committee (see CRC/C/15/Add.2, para. 12) and welcomes progress achieved in reviewing legislation and taking appropriate measures to improve the compatibility of the juvenile justice system with the Convention, especially articles 37, 39 and 40, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

534. The Committee commends the support of the State party to international efforts to combat commercial sexual exploitation of children, and welcomes the adoption in 1997 of the National Plan of Action against the Commercial Sexual Exploitation of Children.

535. The Committee commends the State party for its continued commitment to the rights of the child in its development cooperation programmes, and notes with satisfaction that the State party is one of the few to meet, and exceed, the United Nations target of 0.7 per cent of GDP for development assistance. The Committee welcomes the efforts of the State party to provide training on human rights and the rights of the child to officials working for the Ministry of Foreign Affairs and the Swedish International Development Agency.

(c) Principal subjects of concern and the Committee's recommendations

536. While noting the positive aspects of decentralization in the provision of services by the municipalities, the Committee is concerned that it has caused inconsistencies in policies and disparities in the provision of or accessibility to services by children and their families. In line with its earlier recommendation (see CRC/C/15/Add.2, para. 10), the Committee recommends that the State party increase its efforts to ensure that municipalities respect the framework of government policies designed to fully protect children from any discrimination in the implementation of the Convention.

537. While the Committee welcomes the establishment in 1993 of an ombudsman for children, in accordance with the Committee's recommendation (see CRC/C/15/Add.2, para. 10), it is

concerned about a number of issues raised during the dialogue with the State party concerning the role, autonomy and structural position of the ombudsman for children. The Committee welcomes the launching of an inquiry into the effectiveness of the ombudsman, carried out by a one-man committee, and encourages the State party to examine carefully its results and consider reviewing the role and autonomy of the ombudsman for children.

538. The Committee notes that the impact of the 1991-1993 recession experienced by the State party led to budgetary austerity measures which have had an impact on children and cause concern regarding the achievement of progress in the implementation of the Convention. While welcoming the decision of the State party to give priority in the use of additional resources to children with special support needs, the Committee remains concerned about the introduction of charges and cutbacks in educational and social services provided by some municipalities as the result of budgetary austerity measures. The Committee recommends that the State party review the impact of the budgetary cuts so as to renew efforts to implement the Convention to the maximum extent of available resources in accordance with article 4.

539. The Committee welcomes the decision of the State party to review the legislation setting a lower age of marriage for children resident in or nationals of other States. The Committee encourages the State party to consider changes in the legislation with a view to increasing protection against the harmful effects of early marriage and to eliminating discrimination among children within its jurisdiction.

540. With regard to article 2 of the Convention and to the Committee's earlier recommendation (see CRC/C/15/Add.2, paras. 7 and 13), the Committee notes with concern that the principle of non-discrimination is not fully implemented for the children of illegal immigrants, the so-called "children in hiding". The Committee recommends to the State party that it review its policies, with a view to expanding the services available to illegal immigrant children beyond the provision of emergency health services.

541. The Committee expresses its concern about the reported increase in the incidence of racism and xenophobia, and shares the concerns of the State party about the effectiveness of the existing legislation on "unlawful discrimination" and "agitation against an ethnic group". The Committee encourages the State party to act upon its stated commitment to review the legislation and urges it to take all appropriate measures to ensure that the child is protected against all forms of discrimination, as provided for in article 2.2 of the Convention.

542. Regarding the right to acquire a nationality, the Committee is concerned about the existing legislation concerning stateless children. The Committee encourages the State party to complete its revision of the Citizenship Act and urges that resulting amendments fully take into account article 7 of the Convention.

543. While noting that measures are being taken and discussed, the Committee remains concerned about the protection of children from access to pornographic materials. The Committee encourages the State party to continue taking all appropriate measures, bearing in mind the provisions of articles 13, 17 and 18 of the Convention.

544 In relation to article 11 of the Convention, the Committee notes with satisfaction that Sweden is a party to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children and to the Hague Convention on the Civil Aspects of International Child Abduction. The Committee encourages the State party to continue its efforts to conclude bilateral agreements to the same effect with States that are not parties to the two above-mentioned conventions, and to review existing legislation on the recognition of foreign decisions on custody and to consider ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children of 1996.

545. While noting that some municipalities offer family counselling services free of charge, and that the fee being charged in other municipalities may not seem too high, the Committee is concerned that a significant number of families find such fees a disincentive to seeking needed help and assistance. The Committee recommends that the State party review its policies in this regard so as to facilitate access to family counselling services, in particular for the more vulnerable groups.

546. With regard to the Committee's recommendation (see CRC/C/15/Add.2, paras. 9 and 11), and while appreciating the efforts being undertaken in providing increased training to professionals in this regard, the Committee is concerned that the system of compulsory reporting of incidents of child abuse is not working satisfactorily. The Committee recommends that the State party continue its efforts and undertake further measures to improve the protection of children from all sorts of abuse, in accordance with article 19 of the Convention.

547. Although the State party has one of the widest public support systems, disparities between municipalities and social strata seem to be widening, resulting in social exclusion and tension and poor services being delivered to the economically disadvantaged groups. The Committee recommends that all appropriate measures be taken, in accordance with articles 2, 26, 27 and 30 of the Convention, to ensure universal access to social benefits, in particular for the poorer families, and that the public be better informed on their rights in this regard.

548. While welcoming the State party's plans to dedicate the 1999 annual inspection of schools to the issue of bullying, the Committee encourages the State party to continue its efforts to prevent bullying in schools, to collect information on the incidence of this phenomenon and, in particular, to set up specific structures to enable the participation of children in adequately addressing and resolving this problem.

549. The Committee remains concerned about the impact of budgetary cuts on the child's right to education. The Committee encourages the State party in its decision to restore higher levels of funding for remedial education and extend coverage to children in need of special assistance. It also recommends that the State party review its policy on access to day-care services for children of unemployed parents, taking into consideration the child's right to education and leisure activities in accordance with articles 2, 3, 28 and 31 of the Convention, particularly in relation to current efforts to increase the educational role of pre-school and day-care centres.

550. With regard to its earlier recommendation (see CRC/C/15/Add.2, para. 13), the Committee is concerned about the rising incidence of substance abuse among adolescents. The Committee recommends that the State party undertake systematic efforts to collect data on and monitor substance abuse, and in particular on its impact among the more vulnerable groups.

551. While appreciating the review of legislation and other measures undertaken by the State party to improve protection of children from sexual exploitation, in line with the recommendation of the Committee (see CRC/C/15/Add.2, paras. 8 and 11), including current efforts to review domestic legislation so as to eliminate the "dual criminality" requirement for extraterritorial legislation, the Committee remains concerned about the need to increase protection from sexual exploitation, particularly for children between 15 and 18 years. The Committee encourages the State party to continue and increase its efforts to ensure better protection for children up to the age of 18.

552. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

16. Concluding observations: Yemen

553. The Committee considered the second periodic report of Yemen (CRC/C/70/Add.1) at its 523rd to 524th meetings (see CRC/C/SR.523-524), held on 25 January 1999, and at the 531st meeting, held on 29 January 1999 adopted the following concluding observations.

(a) Introduction

554. The Committee welcomes the submission of the State party's second periodic report as well as the additional information requested by the Committee (see CRC/C/15/Add.47, para. 22), which reflect the commitment of the State party to promote and protect children's rights. Nevertheless, the Committee regrets that the report has not followed the guidelines for periodic reports and has not included information on follow-up measures to the Committee's recommendations on the initial report. The failure to submit written responses to the list of issues (CRC/C/Q/YEM/2) is also regretted. The Committee is encouraged by the dialogue with the State party's delegation. The Committee also acknowledges that the presence of a delegation directly involved in the implementation of the Convention enabled it to better assess the situation of the rights of the child in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

555. The Committee expresses its appreciation at the adoption of several initiatives such as the National Population Strategy (1990-2000), the Social Security Network and the Social Welfare Fund (1996), which aim at combating poverty and strengthening social programmes to counter the negative impact of economic reforms in the State party. This initiative reflects the Committee's recommendation (see CRC/C/15/Add.47, para. 20).

556. The Committee welcomes the State party's initiative to eliminate school fees for girls, as a measure to reduce traditional gender disparities in the educational system.

557. The Committee notes with appreciation the participation of non-governmental organizations in the elaboration of the State party's second periodic report and within the Higher Council for Mothers and Children, in line with a recommendation of the Committee (see CRC/C/15/Add.47, para. 18).

558. The Committee welcomes the fact that Yemen has become a State party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

559. The Committee notes that the State party is still facing serious political, economic and social challenges, such as its transition from a feudal to a modern society and the effects of its recent process of reunification, which affect the situation of children. It is also noted that the current presence within the territory of the State party of a large number of refugees from the Horn of Africa may still be negatively affecting the full implementation of the Convention in the State party.

560. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, continue to hamper further progress in the effective implementation of the provisions of the Convention, especially with regard to the girl child.

(d) Principal subjects of concern and the Committee's recommendations

561. In accordance with its previous recommendation (see CRC/C/15/Add.47, para. 22), the Committee reiterates its concern at the fact that the State party's second periodic report (CRC/C/70/Add.1) has not been prepared according to the Committee's guidelines for periodic reports. The Committee recommends that the next periodic report of the State party be prepared in accordance with the Committee's guidelines as set out in document CRC/C/58. In this connection, the Committee suggests that the State party consider seeking technical assistance from the Office of the High Commissioner for Human Rights or UNICEF.

562. While the Committee takes note of the steps taken by the State party to review its legislation on children's rights, it reiterates its concern at the fact that the State party has not complied with the Committee's recommendations (see CRC/C/15/Add.47, para. 14) to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention. The Committee recommends that the State party take all necessary measures in order to ensure that its legislation is in full conformity with the principles and provisions of the Convention. The Committee also suggests that the State party consider the enactment of comprehensive legislation such as a children's rights code.

563. With reference to the Committee's recommendation (see CRC/C/15/Add.47, para. 18), the Committee takes note of the reactivation of the Higher Council for Maternal and Child

Welfare and welcomes the willingness of Yemen's Prime Minister to head this Council. Nevertheless, the Committee is still concerned about the insufficiency of funding for the adequate functioning of the Council. The Committee remains concerned about the lack of adequate coordination between government institutions and bodies involved in the protection of children's rights, both at national and local levels. The Committee encourages the State party to take all necessary steps to strengthen the role of the Higher Council for Maternal and Child Welfare, at both central and local levels. In addition, the Committee reiterates its recommendation that the State party take further steps to strengthen coordination between the various government institutions and bodies involved in children's rights.

564. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 19) concerning the need to develop indicators for monitoring the implementation of policies and programmes for children, the Committee remains concerned that disaggregated data and indicators for all areas covered by the Convention were not included in the periodic report. The Committee recommends to the State party to continue reviewing and updating its data-collection system, with a view to including all the areas covered by the Convention. Such a system should include all children under 18 years of age with specific emphasis on vulnerable groups of children. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

565. While the Committee acknowledges the State party's efforts to disseminate information on the provisions of the Convention, it remains concerned about the limited impact of these measures. The Committee recommends to the State party to take further measures, including through the media, to disseminate the Convention among the adult population, including professional groups, community, tribal and religious leaders, as well as among children. The Committee encourages the State party to continue working in this area in close partnership with non-governmental organizations and UNICEF.

566. The Committee regrets the lack of information on the State party's measures to carry out training programmes for professional groups working with and for children in accordance with the Committee's recommendation (see CRC/C/15/Add.47, para. 17). The Committee recommends to the State party to take all necessary steps for the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

567. With regard to the Committee's recommendation (see CRC/C/15/Add.47, para. 20), the Committee recognizes the numerous efforts undertaken by the State party in regard to the implementation of social programmes. Nevertheless, it remains concerned that the adoption of structural adjustment programmes might have an adverse effect on the implementation of social programmes, especially those related to children. In light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of its available resources, including through international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social

services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. The Committee also recommends to the State party to take into consideration the child rights component in designing its social policies and programmes.

568. The Committee remains concerned that the legal "ages of maturity", which refer to the criterion of puberty, set at 10 years for boys and at 9 years for girls, are too low. Concern is also expressed at the low age of criminal responsibility (7 years). Furthermore, the Committee reiterates its deep concern (see CRC/C/15/Add.47, para. 7) at the fact that the State party has lowered the minimum legal age for marriage of boys from 18 to 15, instead of increasing the one for girls. The Committee recommends to the State party to introduce adequate reforms to its legislation in order to raise the ages of maturity and criminal responsibility and to raise the minimum legal age for marriage, with a view to bringing them into full conformity with the principles and provisions of the Convention. In this regard, the Committee encourages the State party to undertake awareness-raising campaigns regarding the harmful effects of early marriage.

569. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 14), the Committee remains concerned that the State party does not appear to have fully taken into account the general principles of the Convention - articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) - in its legislation, administrative and judicial decisions, and in its policies and programmes relevant to children. The Committee reiterates its recommendation that further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions, and are appropriately integrated into any judicial and administrative decisions as well as into the development and implementation of all projects, programmes and services which have an impact on children.

570. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern about the persistent disparities between the northern and southern regions of the State party as well as between urban and rural areas. Furthermore, the Committee remains concerned (see CRC/C/15/Add.47, paras. 8 and 9) about the occurrence of discrimination affecting girls, children with disabilities, children born out of wedlock, refugee children, Akhdam children and children belonging to nomadic groups. The Committee reiterates its recommendation to the State party to continue taking measures to reduce economic, social and geographical disparities, including between rural and urban areas, and to prevent discrimination against the most disadvantaged groups of children.

571. The Committee is still concerned (see CRC/C/15/Add.47, para. 6) that the participatory rights of children, as enshrined in the Convention, are not taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14), freedom of association and peaceful assembly (art. 15). The Committee recommends that the State party should further develop a systematic approach to increasing public awareness, including through the media, of the participatory rights of children in order to make these rights and its implications fully understood by the population at large.

572. The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration, and at the lack of awareness of registration procedures,

especially in rural areas. In light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure the immediate registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and understood by the population at large. Furthermore, the Committee wishes to call the attention of the State party to the serious implications of the absence of a birth certificate, which can result in the sentencing of a child to the death penalty or preclude his or her access to health services.

573. Although the Committee is aware that ill-treatment of children is prohibited by law, it remains concerned that the use of corporal punishment by parents is widely regarded to be acceptable. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in light of articles 3, 12, 19 and 28 of the Convention. The Committee further suggests that the State party ensure that alternative disciplinary measures are developed within the family, at schools and other institutions.

574. The Committee expresses its concern at the lack of information on the implementation of the Committee's recommendation with regard to enhancing the role of the family in the promotion of children's rights (see CRC/C/15/Add.47, para. 16). The Committee reiterates its recommendation to the State party to pay special attention to enhancing the role of the family in the promotion of children's rights, and stresses the importance of the status of women in family and social life. In this regard, the Committee recognizes the importance of developing family counselling services, in both urban and rural areas.

575. Although the Committee is aware of the long tradition of in-community care for children deprived of a family environment, it expresses its concern at the insufficient number of care centres for abandoned boys and the absence of facilities for abandoned girls. The Committee recommends to the State party to take all available measures to establish alternative care centres for abandoned girls and/or establish alternatives to institutionalizing children (for example, foster families, adoption, kafalah). The Committee further recommends that the State party undertake follow-up measures and institute a monitoring and evaluation system to ensure the adequate development of this group of children.

576. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality rates, it is still concerned about the prevalence of malnutrition as well as the limited access to health services in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. Furthermore, the Committee is particularly concerned about the high rate of maternal mortality due to the fact that the majority of births take place in the absence of appropriate medical care, as well as the limited access of women to appropriate health services and education, especially in rural areas. The Committee suggests that the State party allocate appropriate resources and consider seeking technical assistance, when needed, to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF programme Integrated Management of Childhood Illness is recommended. In addition, the Committee

recommends that the State party strengthen its efforts in the provision of user-friendly health-care facilities for women (antenatal, maternal and perinatal care) and adequate training for health workers (for example, midwives), especially in rural and remote areas.

577. With regard to adolescent health, the Committee is particularly concerned at the high and increasing rate of teenage pregnancies and the insufficient access to reproductive health education and counselling services for teenagers, including outside schools. The Committee is also concerned at the lack of preventive measures, including information campaigns, regarding STDs and HIV/AIDS. The Committee recommends to the State party to promote adolescent health policies and the strengthening of reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. Furthermore, the Committee recommends to the State party, inter alia, to undertake awareness-raising campaigns to prevent and combat the spread of STDs and HIV/AIDS and to establish health facilities and programmes for the care of children infected or affected by HIV/AIDS (see also the Committee's recommendations on children living in a world with HIV/AIDS, CRC/C/80).

578. The Committee is concerned about the practice of female genital mutilation and other harmful traditional practices affecting the health of the girl child in some regions of the State party. The Committee wishes to endorse the recommendation made by the Human Rights Committee in 1995 to the State party (see A/50/40, para. 261) to conduct a study on the practice of female genital mutilation and other harmful traditional practices and formulate specific plans to prevent, combat and eradicate this practice.

579. The Committee expresses its concern at the high rate of children with disabilities in the State party and at the lack of infrastructure, limited qualified staff, and specialized care and rehabilitation facilities to address their needs. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres, and encourage their inclusion into society.

580. With regard to the educational system, the Committee remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates as well as the low enrolment rate and limited access to education in rural and remote areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure, lack of basic equipment, outdated school curricula and gender and geographical disparities in school attendance. In light of articles 28 and 29 of the Convention, the Committee recommends to the State party to undertake all appropriate measures to, inter alia, improve the school infrastructure and update its equipment; to accelerate the implementation of the compulsory education system; to improve access to education for boys and girls, including of the most vulnerable groups; to strengthen training programmes for the teaching personnel. The Committee encourages the State party to seek, to this effect, international cooperation from, inter alia, UNESCO and UNICEF.

581. The Committee regrets the lack of information on the implementation of the Committee's recommendation (see CRC/C/15/Add.47, para. 17) regarding the need to incorporate the Convention and the teaching of human rights in the school curricula. The Committee reiterates its recommendation to the State party that attention should be given to incorporating the Convention and the teaching of human rights in school curricula, especially within the framework of the United Nations Decade for Human Rights Education.

582. While the Committee welcomes the State party's openness to hosting refugees from the Horn of Africa, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. With respect to the Committee's recommendation (see CRC/C/15/Add.47, para. 21), the Committee remains concerned at the lack of information on the number of asylum seeking and refugee children. In light of article 22 of the Convention, the Committee reiterates its recommendation to the State party to ensure adequate legal protection of refugee children, including the guarantee of their physical safety and access to health and education. In this connection, the Committee suggests that the State party consider seeking technical assistance from, inter alia, UNHCR.

583. In light of articles 38 and 39 of the Convention, the Committee is concerned about the situation of children affected by the recent armed conflicts in the State party as well as in neighbouring countries. Concern is also expressed about the presence of landmines in the State party, which threatens the lives of children. The Committee recommends to the State party to take all appropriate measures for the protection of children affected by armed conflicts, including their physical and psychological rehabilitation and social reintegration. The Committee recommends to the State party to take all necessary measures, especially awareness-raising programmes on landmines for the population at large, including children. In this regard, the Committee encourages the State party to consider seeking international cooperation.

584. While the Committee takes note of the measures taken by the State party in the field of child labour, it remains concerned about their limited impact, including on the situation of child beggars (see CRC/C/15/Add.47, para. 21), and at the lack of adequate monitoring mechanisms. Furthermore, the Committee reiterates its concern for children living and/or working on the streets, who require special attention because of the risks they are exposed to. The Committee recommends to the State party to review its legislation and practice in order to protect children from being economically exploited. Labour inspectorates should be strengthened and penalties imposed in case of violation. It is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. The Committee further recommends to the State party to undertake research on the issue of children living and/or working on the streets with a view to adopting a national policy for the protection and rehabilitation of these children.

585. Although the Committee welcomes the State party's willingness to carry out research on the issue of sexual exploitation of children, it is concerned at the absence of knowledge, data and a comprehensive study on this issue. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends to the State party to review and reinforce its legislative framework to fully protect all children under 18 years of

age from all forms of sexual abuse and exploitation, including within the family. The Committee further recommends to the State party to use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

586 While noting that the State party has in place domestic legislation relating to juvenile justice, the Committee remains concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as with other relevant United Nations standards. The Committee is especially concerned about the lack of detention centres for female juvenile offenders; the use of detention other than as a measure of last resort; the poor living conditions in detention centres; the use of physical punishment, including flogging, and torture in detention centres; the lack of rehabilitation measures and educational facilities for juvenile offenders; and the placement of "potential delinquents" in detention centres instead of care institutions for their rehabilitation. Furthermore, the Committee considers that the age of criminal responsibility, set at 7 years, is too low. The Committee reiterates its recommendation (see CRC/C/15/Add.47, para. 21) that the State party take all measures to review its legislation in order to fully reflect the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Training programmes on relevant international standards should be organized for all professionals working in the system of juvenile justice. The Committee recommends to the State party to consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

587 Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

17. Concluding observations: Barbados

588 The Committee considered the initial report of Barbados (CRC/C/3/Add.45) at its 534th to 536th meetings (see CRC/C/SR.534-536), held on 18 and 19 May 1999, and at the 557th meeting, held on 4 June 1999 adopted the following concluding observations.

(a) Introduction

589 The Committee expresses its appreciation for the clear and comprehensive nature of the report, which followed the Committee's guidelines. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/BARBADOS/1) while regretting their late

submission, and of the additional information provided to it during the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and open dialogue with the State's party delegation.

(b) Positive aspects

590. The Committee welcomes the establishment in September 1998 of the National Committee for Monitoring the Rights of the Child, which will monitor the implementation of the Convention. It welcomes the mandate of the National Committee to carry out a thorough review of legislation, with a view to ensuring its conformity with the principles and provisions of the Convention.

591. The Committee also welcomes the opportunity for increased coordination that arises from the provision in the manifesto of the Government for a new Ministry of Social Transformation.

592. The Committee welcomes the adoption of policies regarding children with disabilities in the State party.

593. The Committee takes note of the forthcoming signing of the Penal Reform Act which has increased the age of criminal responsibility from 7 to 11 years.

(c) Factors and difficulties impeding the implementation of the Convention

594. The Committee notes that recent international economic trends and policy decisions are of concern to all Caribbean States and create pressure on the State party to adopt economic restructuring policies which may have a negative impact on social and economic development. In adopting such restructuring policies, the State party faces the serious challenge of avoiding endangering the implementation of the Convention.

(d) Principal subjects of concern and the Committee's recommendations

(i) General measures of implementation

595. The Committee is concerned that the State party has not yet given adequate attention to the need to review existing legislation thoroughly to examine its conformity with the provisions of the Convention. The Committee notes that inconsistencies remain, especially with regard to the definition of the child, the acceptability of certain forms of physical abuse, and in the area of juvenile justice. The Committee recommends that the National Committee for Monitoring the Rights of the Child proceed with its planned review of existing legislation and encourages the National Committee to consider carefully the principles as well as all provisions of the Convention, and in particular article 3. The Committee recommends that the State party give full support to the National Committee in this task and that it pay careful attention to the implementation of any recommendations for review of legislation that the National Committee may identify.

596. The Committee takes note of proposed changes in administrative arrangements which should improve coordination and efforts to implement the Convention. The role that the Child

Care Board plays in overall coordination of government activities dealing with children is not clear. The Committee encourages the State party to give careful consideration to the need to provide adequate resources to, and define clearly the roles and responsibilities of the new Ministry of Social Transformation and its different units, the Child Care Board, and the National Committee for Monitoring the Rights of the Child, so as to ensure the most effective coordination and monitoring of the implementation of the Convention. The Committee also recommends that the State party ensure that a specific desk for children is set up within the existing ombudsman's office.

597. The Committee takes note of the difficulties experienced in the State party in ensuring the collection of disaggregated data on all aspects of the implementation of the Convention and notes current plans to standardize and computerize data collection. The Committee recommends that the State party increase its efforts, and if necessary request international technical assistance from, inter alia, UNICEF, on the collection and analysis of statistical data on child rights, systematically disaggregated by gender, age, socio-economic background, geographic location, etc. and with an emphasis on vulnerable groups.

598. The Committee is concerned about the lack of data regarding the maximum allocation of available resources to implementation of child rights. The Committee notes that the budgetary provisions for social services affecting children and their rights, and in particular for poverty alleviation programmes and the Child Care Board, have increased steadily in recent years. The Committee recommends that the State party give further attention to the need to disaggregate the relevant budgetary data, so as to make it possible to obtain a clearer picture of the allocation of budgetary resources.

599. The Committee is concerned about the potential impact of economic restructuring measures, referred to in paragraph 7 above, on the implementation of the Convention. The Committee suggests that the State party make every effort, including requesting international technical assistance, to avoid its economic restructuring policies having a real negative effect on the realization of the rights of the child.

600. The Committee appreciates the detailed information regarding efforts to disseminate the Convention in the form of public awareness-raising campaigns, inclusion in the school curriculum, and collaboration with the media in this respect. However, the Committee is concerned that these efforts appear insufficient to achieve full acceptance of the principles and provisions of the Convention among professional groups and the general public. The Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. In particular the Committee recommends that additional projects and programmes be dedicated to bringing about changes in traditional social attitudes that may be in conflict with full respect for the rights of the child, and encourages the State party to seek international assistance from, inter alia, UNICEF.

(ii) Definition of the child

601 While the Minors Act sets the age of majority at 18 years of age, other legislation appears to set many limits on the levels of protection available for children over 16 years of age. The Protection of Children Act, 1990, offers protection from exploitation in pornography to all children under 18, but the Committee is concerned that the Sexual Offences Act, 1992, offers no special protection to children over the age of 16 and only limited protection to those between 14 and 16 years of age. Children over 16 years of age also appear to receive limited protection in legislation regulating the prevention of cruelty to children. The Committee recommends that existing legislation be reviewed so as to increase the level of protection accorded to all children under 18 years of age.

(iii) General principles

602 The Committee welcomes the general commitment of the State party to the prevention of discrimination. It takes note of the problems the State party faces in extending its provision of free education to all children beyond those who are citizens or permanent residents. The Committee recommends that these provisions be reviewed so as to ensure implementation of the principle of non-discrimination for any child within the jurisdiction of the State party, as set forth in article 2 of the Convention.

603 The Committee shares the concern in the State party over growing gender bias faced by boys as shown in, among other areas, academic underachievement by boys and difficulties in placing boys for adoption. At the same time the rate of girls who attempt or commit suicide is particularly high. In connection with the problems faced by both boys and girls, the Committee notes with satisfaction the recent decision to set up, within the Ministry of Social Transformation, a "Gender Affairs Bureau". The Committee recommends that the State party continue and increase its efforts to address discrimination arising from the inappropriate socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

604 The Family Law Act sets the age of 16 as the point at which courts are obliged to take into account the views of a child. The Committee acknowledges the information it has received regarding the applicability of British common law which has in some cases been used by courts in the State party to consider the wishes of younger children according to the "maturity principle". Nevertheless, the Committee remains concerned that the implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with his or her evolving capacity is excessively constrained by subjective interpretation under existing legislation. The Committee recommends that the requested review of existing legislation consider the need for application of this principle, and in any case to children younger than 16, and in particular to make it a requirement for courts and other institutions to seek and give due weight to the views of the child in all matters affecting the child, in accordance with article 12 of the Convention.

(iv) Civil rights and freedoms

605. The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14, 15, 16 and 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as the subjects of rights. The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.

606. The Committee is concerned about legislation and policies that allow the use of flogging of children as a disciplinary measure in prisons and its use as a judicial sentence. In this respect, the Committee welcomes the commitment of the State party to give prompt consideration to the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee encourages the State party to conduct a public awareness-raising campaign and to review its legislation and policies in order to eliminate flogging as a judicial sentence and as a disciplinary measure in the prison system.

(v) Family environment and alternative care

607. The Committee shares the concern of the State party over the challenges faced by children as a result of changes in social and family structures which have led to high numbers of single-parent households and reduced support from extended families. The existing social security structures would make it difficult for the State party to ensure that both parents contribute to the maintenance of the child. The Committee notes that public assistance is available to assist children in these circumstances, but it remains concerned about the difficulty involved in ensuring respect for the provisions of article 18, paragraphs 1 and 2, and article 27, paragraph 4, of the Convention. The Committee recommends that continuing attention be given to the risks of early parenthood and single parenthood, to the promotion of higher levels of involvement of fathers in the upbringing and development of the child, and to the need to provide necessary support to children in these cases.

608. The Committee notes with appreciation recent efforts to improve arrangements for foster care, e.g. the doubling of the foster care allowance. It notes that the regular monitoring focuses more on the quality of placement of children in foster care than on the need to review the placement decision as such, in accordance with article 25 of the Convention. The Committee is concerned that the efforts to provide permanence and stability for children in care may on occasion lead to a premature decision that family reunification is no longer possible. The Committee encourages the State party to continue its efforts to strengthen the foster care system in those instances where efforts to provide support to families prove insufficient. It also recommends that further research be conducted into the functioning of the existing system, taking full account of the provisions of articles 20 and 25 of the Convention.

609. The Committee is seriously concerned about the high proportion of children who appear to be victims of physical abuse, in most instances accompanied by psychological and emotional abuse. The Committee is highly concerned about the subjective element involved in legislation

that permits a "reasonable degree" of physical chastisement as a disciplinary method. The Committee is concerned that the tolerance of corporal punishment in schools will make it extremely difficult to educate parents about alternative forms of discipline, and wishes to point out that there is usually a connection between the social and legal acceptability of corporal punishment and the high level of child abuse which is of serious concern. The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline and to implement fully the provisions of articles 19 and 39 of the Convention; it recommends that the State party increase its efforts to educate the public about the negative impact of corporal punishment on the development of the child and on the effort to prevent child abuse; finally, the Committee encourages the State party to seek international assistance and advice on successful examples of how to overcome traditional social attitudes regarding corporal punishment.

610. The Committee notes the commitment of the State party to the introduction of mandatory reporting for suspected cases of child abuse. While acknowledging the progress made, the Committee remains concerned that existing legislation is still not sufficient to provide strong protection against child abuse, including sexual abuse. The Sexual Offences Act, 1992 provides very harsh sentences for only one specific form of sexual abuse of children under 14. At the same time, other information seems to indicate that there are considerable difficulties in applying this legislation, in particular when a parent is reluctant to testify or allow the abused child to testify. In addition, the Committee is concerned that the Domestic Violence (Protection Orders) Act, 1992, although showing progress in removing police discretion in the referral to court of cases of domestic violence, still fails to ensure a sufficient level of protection for children in cases of domestic violence. The Committee is convinced that the need to ensure full protection from all forms of abuse in accordance with article 19 of the Convention requires legislative measures guaranteeing that child maltreatment will not be tolerated. The Committee recommends that the State party reassess the impact of current measures and policies. It urges the State party to develop and implement systematically projects and programmes to address the need for: prevention of child abuse; protection from abuse, including procedures to protect children from possible further victimization by the legal system; and provision of rehabilitation services in accordance with article 39 of the Convention; and to this effect, to carry out awareness-raising campaigns and a careful review of existing legislation.

(vi) Basic health and welfare

611. The Committee notes the commitment of the State party to increase available services to children with disabilities, and welcomes the efforts to identify all cases of children with disabilities. Nevertheless, the Committee remains concerned that the focus is on the provision of separate services rather than inclusion. The Committee recommends that the State party implement its policies, together with a plan of action in regard to children with disabilities.

612. The Committee welcomes the State party's efforts to reduce the rates of adolescent pregnancy. It welcomes the efforts to raise awareness about reproductive health and rights through initiatives such as the Family Life Development Programme. Despite these efforts, the Committee remains concerned about the high levels of adolescent pregnancy and abortion, about the rising incidence of HIV and AIDS and about the effect this has on children infected or affected (in particular those orphaned) by the epidemic. The Committee recommends that the

State party give careful attention to the recommendations formulated by the Committee during its day of general discussion on "The rights of children living in a world with HIV/AIDS" (CRC/C/80, para. 243). It recommends that the State party increase its efforts to provide appropriate adolescent health services, consider the possibility of actively involving adolescents in the formulation of policies and treatment programmes in accordance with their evolving capacity, and make it possible for adolescents to have access to medical advice and treatment without parental consent in accordance with their age and maturity.

613. In spite of efforts to increase attention to early childhood education, the Committee remains concerned that the number of childcare centres is not enough to serve all children concerned. The Committee takes note of recent efforts to provide child care within existing schools with the assistance of trained volunteer parents and of the difficulties encountered in persuading private employers to provide child care at the workplace. While noting the success in transforming Queen Elizabeth Hospital into a baby-friendly institution, the Committee is also concerned about the lack of data on breastfeeding practices. The Committee encourages the State party to continue its efforts to provide sufficient numbers of childcare services and to consider the possibility of setting up childcare facilities at the workplace for public employees, thus facilitating breastfeeding practices.

(vii) Education, leisure and cultural activities

614. The Committee welcomes the commitment of the State party to education and the availability of free and compulsory education until the age of 16 to children who are citizens or permanent residents. It notes the effort to improve the quality of education through the proposals in the White Paper on Educational Reform. The Committee remains concerned about practical implementation of the educational reforms and of the policy to provide textbooks to all schoolchildren, and it is also concerned about the determination of the child's academic ability at the early age of 11. In addition, the Committee is concerned about the growing incidence of educational underachievement among boys. The Committee suggests that some of the reforms in the training of teachers focusing on teacher attitudes could be used also to increase attention to child rights. The Committee recommends that the State party increase its efforts in educational reform, including through careful study of the impact of secondary school entrance exams at the age of 11 and through evaluation of the impact of recent reform initiatives, if necessary by seeking international assistance from UNICEF, with a view to increasing the quality and relevance of education in accordance with articles 28 and 29 of the Convention.

(viii) Special protection measures

615. Although a serious child labour problem does not seem to exist, the Committee remains concerned that the existing legislation is unclear about the exact types and amount of work that are acceptable at different ages, including in connection with children assisting their families with agricultural or domestic tasks. The Committee recommends that the State party take advantage of current preparations to ratify ILO Convention No. 138 on Minimum Age for Admission to Employment to review and clarify its own legislation concerning work at different ages in order to maximize the protection of children against economic exploitation in accordance with article 32 of the Convention.

616 The Committee has a number of concerns regarding the administration of juvenile justice. In particular:

(a) The concern that special provisions for juvenile delinquents do not apply to children over 16 years of age, who are dealt with by adult criminal courts and are grouped with prisoners up to the age of 23. *The Committee recommends that the State party consider raising the existing age limit from 16 to 18;*

(b) The concern about the lack of flexibility in sentencing children under the Reformatory and Industrial Schools Act (with its minimum sentence of three years and its maximum sentence of five years) and the lengthy procedure for review of detention, which appears to have resulted in an informal practice of developing an alternative sentence of one year's detention. The Committee recommends that the State party consider the introduction of a more flexible sentencing system and a simple but efficient and effective review of court decisions that involve holding a child in detention;

(c) The concern that section 14 of the Reformatory and Industrial Schools Act makes it possible for children to be referred to the juvenile court for offences such as "talking back" or "wandering without proper guardianship". This means that acts which are not a crime if carried out by adults may, for minors, result in a criminal sentence, e.g. placement in an Industrial School. The Committee is concerned about such *criminalization of behaviour problems of* children. These kinds of problems should be dealt with through psycho-social services, treatment, etc. with the necessary family support. The Committee recommends that the State party change its legislation in this regard to prevent, as far as possible, the criminalization of children's behavioural problems;

(d) The concern about information suggesting that the right of a child accused of infringing the law to legal assistance can be, and often is waived by a parent or guardian. More careful implementation of the provisions of article 37 (d) and article 40, 2 (b) (ii) of the Convention to legal or other appropriate assistance is necessary. The Committee recommends that the State party consider reviewing its legislation to ensure that decisions regarding legal assistance for children in conflict with the law are taken impartially and with regard solely for the best interests of the child, and that the right of the child to such assistance should not be waived by others;

(e) While welcoming the raising of the age of *criminal responsibility, the Committee* remains concerned that it has been raised only to 11 years. The Committee encourages the State party to consider the need to raise the age of criminal responsibility further.

617 The Committee is furthermore concerned about the conditions experienced by children deprived of their liberty, both in Industrial Schools and in separate facilities at the adult prison, and in particular about the lack of sufficient provision for education and rehabilitation services. It recommends that the State party conduct in-depth research and gather information as to the situation and outcome for children held in the Industrial Schools and in prison, and urges the

State party to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

618. In the light of article 44, paragraph 6, of the Convention, the Committee appreciates the commitment of the State party to publicize the results of the dialogue. The Committee recommends that such efforts include making widely available to the public the initial report and written replies submitted by the State party, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

18. Concluding observations: St. Kitts and Nevis

619. The Committee considered the initial report of St. Kitts and Nevis (CRC/C/3/Add.51) at its 537th to 538th meetings (see CRC/C/SR.537-538), held on 20 May 1999, and the 557th meeting, held on 4 June 1999 and adopted the following concluding observations.

(a) Introduction

620. The Committee welcomes the submission of the State party's initial report, but regrets that the written replies to its list of issues (CRC/C/Q/SKN/1) were not submitted in advance of the dialogue. While the report follows the general guidelines, the Committee regrets that its brevity, particularly in the area of "special protection measures", limits the full understanding of the situation of children within the State party. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention complemented the information provided on the situation of the rights of children in the State party.

(b) Positive aspects

621. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Probation and Child Welfare Board Act (1994) which provides for the establishment of a Board to monitor the rights of all children; ensure the care, protection and maintenance of children within the family environment; and make provisions with respect to the fostering and adoption of children.

622. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the primary school level; the provision of school uniforms for children whose parents are not able to afford them; the efforts to ensure 100 per cent placement at the secondary level; and the recently established policy that allows for the readmission of teenage mothers into the regular school system.

623. The Committee notes the efforts of the State in the area of primary health-care services. In particular it notes the State party's achievement of 100 per cent immunization as well as relatively low malnutrition and infant and maternal mortality rates. The Committee also notes the introduction of programmes for free medical and dental care for all children of school age (up to 16 years).

624. The Committee welcomes the State party's 1996 initiative in becoming a member State of the International Labour Organization (ILO).

(c) Factors and difficulties impeding the implementation of the Convention

625. The Committee acknowledges that the vulnerability of the State party to natural disasters, most recently Hurricanes Luis and Marilyn in 1995 and George in 1998, has affected the situation of children and impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

(d) Subjects of concern and the Committee's recommendations

(i) General measures of implementation

626. The Committee notes the recent efforts by the State party to undertake a review of existing legislation regarding children and the family. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party seek to ensure that its domestic legislation fully conforms with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive children's rights code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights.

627. The Committee notes that the State party has acceded to only two of the international human rights instruments, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The Committee encourages the State party to consider the possibility of acceding to the other major international human rights instruments as these would help to strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction.

628. The Committee notes that a 12-member Probation and Child Welfare Board has been appointed with representatives from the public and private sectors of both islands of the State party and mandated with the implementation of the Convention. The Committee is concerned, however, that the Board is not yet fully operational. The Committee is also concerned that the State party has not yet elaborated a National Plan of Action for Children. The Committee also expresses concern that adequate efforts have not been made to establish an effective child rights monitoring system independent of the Probation and Child Welfare Board and the Ministry to which it is responsible. The Committee recommends that further steps be taken by the State party to strengthen its coordinating efforts and ensure that the Probation and Child Welfare Board is fully operational. The Committee encourages the State party to consider the

implementation of a National Plan of Action for Children that includes a rights-based, rather than an exclusively welfare-focused approach. The Committee also recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of adequate monitoring mechanisms to guarantee the promotion and protection of children's rights.

629. The Committee is concerned at the lack of a data collection mechanism within the State party for the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the State party seek to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, children living in poverty, children in the juvenile justice system, children of single-parent families, children born out of wedlock, sexually abused children and institutionalized children. It is suggested that the State party seek technical assistance from, inter alia, UNICEF.

630. The Committee notes with concern the lack of involvement of NGOs in the elaboration of the State party's report and the generally limited participation of civil society in the promotion and implementation of the Convention. The Committee recommends that the State party take the necessary measures to encourage and facilitate the participation of civil society as well as the wider population in the promotion and implementation of the Convention.

631. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

632. The Committee notes the impact of the recent natural disasters which have had adverse effects on social investment within the State party. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of (...) available resources". In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

633. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention through programmes such as "Child Month", the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of

the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of the administration of both islands and personnel of childcare institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

(ii) Definition of the child

634. The Committee expresses concern regarding the low legal age for criminal responsibility (8 years). The Committee expresses further concern that the Prevention of Cruelty and Protection of Juveniles Clause of the Juvenile Act does not provide special protection for children between the ages of 16 to 18 years, and by the absence in legislation of a legal age defining the attainment of majority. The Committee recommends that the State party review its legislation, especially with respect to criminal responsibility, in order to bring it into full conformity with the provisions and principles of the Convention.

(iii) General principles

635. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

636. While the Committee notes the efforts made by the Early Childhood Development Unit of the Ministry of Education and the Department for Community Development to encourage the participatory rights of children in all communities, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and the care and judicial systems.

(iv) Civil rights and freedoms

637. The Committee is concerned about the potentially harmful effects of programmes available through cable television which is the preferred viewing option of the population. The Committee recommends that the State party take measures, including parental education, to protect children from exposure to harmful information, including violence and pornography.

638. The Committee remains gravely concerned that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

(v) Family environment and alternative care

639. The Committee notes the large number of single-parent families and the impact on children. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock from "visiting" or common law relationships. The Committee expresses further concern regarding the financial and psychological impact of "visiting relationships" on children. The lack of sufficient support and counselling, in the areas of parental guidance and responsibilities are also matters of concern. The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially those in "visiting" and common law relationships, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal nature, to ensure that the rights of children born of "visiting" and common law relationships are protected. It is suggested that the State party seek technical assistance from, inter alia, UNICEF and WHO.

640. While noting the recent efforts of the State party to ensure that emigrating parents make arrangements for the maintenance of their children, the Committee remains concerned at the absence of bilateral agreements for reciprocal enforcement of maintenance orders. The Committee recommends that efforts be made to put in place the necessary measures to ensure the recovery of maintenance for children from parents who emigrate.

641. While the Committee notes a decline in the overall number of children deprived of a family environment, it is concerned that boys continue to be particularly vulnerable to placement in alternative and foster care. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions as well as the lack of available trained personnel in this field. It is recommended that the State party undertake

a study to assess the situation of boys within the family environment and their susceptibility to placement in alternative and/or foster care. The Committee also recommends additional training, including in children's rights, for social and welfare workers as well as the establishment of an independent complaints mechanism for children in alternative care institutions.

642. The Committee is concerned at the absence of legislation, policies and institutions to regulate intercountry adoption. The lack of monitoring with respect to domestic and intercountry adoptions is also a matter of concern. In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

643. The lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is also concerned at the lack of a standardized approach to the reporting and management of child abuse, neglect and abandonment as well as the delineation of roles between the police, the Community Affairs Department and health and education agencies. The Committee notes with concern the increasing number of children institutionalized as a result of abuse and neglect. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

(vi) Basic health and welfare

644. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including on accidents, violence, abortion, HIV/AIDS and STDs. The Committee is particularly concerned at the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their low attendance at antenatal clinics as well as their generally poor breastfeeding practices. The Committee is concerned that most of the current cases of infant mortality are related to teenage mothers. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care, counselling, and rehabilitation facilities for adolescents. The Committee also encourages

the State party to develop comprehensive policies and programmes to reduce the incidence of infant mortality and promote proper breastfeeding and weaning practices among teenage mothers. In this connection, it is also recommended that the State party consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

645. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities into the educational system and generally within society. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

(vii) Education, leisure and cultural activities

646. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned at the high drop-out rate for males in the upper grades of primary school, the poor reading ability or primary school males, the high incidence of truancy, lack of relevant learning material, insufficient numbers of trained and qualified teachers, and the tendency towards teaching methods that are almost exclusively exam oriented. The Committee is also concerned that the policy which allows teenage mothers to re-enter the educational system has not been equally implemented in both islands of the State party. The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students receive an adequate mix of academics and life skills, including communication, decision-making and conflict-resolution skills. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure the full implementation of its policy regarding the readmission of teenage mothers into the school system in all regions of its territory. The Committee encourages the State party to accelerate its implementation of the Caribbean Community Multi-agency Health and Family Life Education Project which facilitates the retraining of teachers as well as the development of appropriate curricula and public education campaigns. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

(viii) Special protection measures

647. In view of the high drop-out rate for males in the upper grades of primary school, the Committee is concerned about the lack of information and adequate data on the situation on child

labour and economic exploitation within the State party. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly within the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

648. The Committee notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of drug and substance abuse among youth, the apparent lack of adequate legal provisions and the limited social and medical programmes and services available in this regard. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from inter alia, UNICEF, WHO and the United Nations Division for Crime Prevention.

649. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before the hearing of juvenile cases and the apparent lack of confidentiality accorded such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law, and the limited number of trained personnel to work with children in this regard.

650. The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of the United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all those professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

651. While the Committee notes the establishment of a national committee to regulate the use of corporal punishment within the juvenile justice system, it remains gravely concerned that the Corporal Punishment Act (1967) continues to allow the corporal punishment of a male juvenile convicted of an offence and to empower the magistrate's court to order a juvenile convicted of an offence to be "whipped". The Committee recommends that the State party take all necessary measures to prohibit the use of corporal punishment within the juvenile justice system, including the repeal of the Corporal Punishment Act (1967).

652. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

19. Concluding observations: Honduras

653. The Committee considered the second periodic report of Honduras (CRC/C/65/Add.2) at its 541st and 542nd meetings (see CRC/C/SR.541-542), held on 25 May 1999, and at the 557th meeting, held on 4 June 1999 adopted the following concluding observations.

(a) Introduction

654. The Committee welcomes the timely submission of the State party's second periodic report. In particular, the Committee notes with satisfaction the willingness of the State party to use this report as a call for action, a guide and a situation analysis, to formulate, evaluate and monitor the most important advances in the field of children's rights in the State party. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/HON/2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

655 The Committee welcomes the constitutional reform (1995), which has endorsed the mandate of the Office of the National Commissioner for Human Rights for the promotion and protection of children's rights.

656 The Committee also welcomes the constitutional reform (1995) which abolished the State party's mandatory military service and prohibited service in the military of persons younger than 18.

657 In light of its recommendations (see CRC/C/15/Add.24, paras. 20 and 21), the Committee welcomes the enactment of the Children and Adolescents Code (1996) and the participation of non-governmental organizations in the drafting of the Code.

658 The Committee notes with appreciation the establishment of the network of municipal children's defenders (Defensores Municipales de la Niñez), which aims at strengthening the municipalities' involvement in the application and monitoring of the rights of the child.

659 In light of its previous recommendation (see CRC/C/15/Add.24, para. 24), the Committee welcomes the enactment of the Law against Domestic Violence and the reforms to the Penal Code as well as the establishment of the Institute for Women as measures to prevent and combat gender discrimination. In the same vein the Committee welcomes the creation of an office for the defence of children and persons with disabilities, within the Attorney-General's office (Ministerio Público), as well as the creation of the National Council for the Attention of Children with Disabilities (CONAMED).

660 The establishment of poverty alleviation programmes such as the ones carried out by the Honduran Social Investment Fund (FHIS), Family Assistance Programme (PRAF) and the Social Housing Fund, which are in line with the Committee's recommendations (see CRC/C/15/Add.24, para. 29), are noted with appreciation.

661 In light of the Committee's recommendation (CRC/C/15/Add.24, para. 30), the Committee welcomes the measures taken by the State party to include the teaching of human rights, including children's rights, in the school curricula.

662 The Committee welcomes the signing of a memorandum of understanding (1997), between the State party and the International Labour Organization/International Programme for the Eradication of Child Labour (ILO/IPEC), for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35).

(c) Factors and difficulties impeding further progress in the implementation of the Convention

663 The Committee notes with deep concern the devastating effects of hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sectors and to

infrastructure. Hurricane Mitch not only left many dead or missing, including children, and destroyed homes and educational and health-care facilities and services, but also constituted a setback in the efforts of the State party to gradually make children's rights a reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

664. The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

(d) Principal subjects of concern and the Committee's recommendations

(i) General measures of implementation

665. Although the Committee welcomes the enactment of the Children and Adolescents Code, it remains concerned about some discrepancies between domestic legislation and the provisions of the Convention, especially those which still regard children as objects and not as subjects of rights (the irregular situation approach). The Committee recommends that the State party take all available measures to ensure that the Children and Adolescents Code and other domestic legislation (e.g. Penal Code, Labour Code, Family Code and draft Adoption Law) are in full conformity with the principles and provisions of the Convention.

666. While noting the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24 and para. 21) concerning the need to establish adequate coordination between various governmental entities dealing with children's issues, both at the national and the local levels, and taking note of the transformation of the Social Welfare Board (JNBS) into the Honduran Institute of Children and the Family (IHNFA), the Committee is still concerned about the insufficiency of these measures. In particular, the Committee is concerned that IHNFA does not have sufficient financial and human resources to carry out its mandate in an effective manner throughout the territory of the State party. The Committee recommends that the State party take further measures to reinforce the existing coordinating mechanisms (e.g. the National Commissioner for Human Rights, IHNFA, etc.), including at the municipal level, in order to strengthen coordination between the various governmental bodies involved in children's rights. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide IHNFA with adequate financial and human resources in order that it may carry out its mandate in an effective manner. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

667. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.24, para. 21) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken in cooperation with the Inter-American Children's Institute and the information provided by the State party regarding the conduct of a population census in the year 2000, the Committee remains concerned about the lack of disaggregated data on all the areas covered by the Convention. The Committee recommends that the State party continue reviewing and updating its data collection system, with

a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

668. The Committee takes note of the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 23) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large. Nevertheless, it remains concerned at the insufficiency of these measures, especially among indigenous and ethnic groups as well as in rural areas. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous and ethnic groups as well as in rural and remote areas. In this regard, the Committee further recommends the incorporation of local structures such as the municipal children's defenders and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends publicizing the Convention in innovative ways, taking into consideration the specific needs of indigenous and ethnic groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.

669. With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 23), the Committee appreciates the detailed information on the conduct of training programmes for professionals working with and for children. Nevertheless, the Committee is of the opinion that such measures need to be reinforced. Therefore, the Committee recommends that the State party renew its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law-enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Furthermore, special attention should be given to the provision of training for professionals working with and for children on how the principles and provisions of the Convention are reflected in and implemented by domestic legislation (e.g. Children and Adolescents Code). Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

670. While the Committee is aware of the efforts undertaken by the State party to allocate substantial financial resources for the benefit of children, it reiterates its concern (see CRC/C/15/Add.24, para. 8) that stringent budgetary measures and external debt, as well as the persistence of widespread poverty and uneven income distribution, are still having a negative impact on the situation of children in the State party. In addition, the Committee expresses its concern at the lack of a child rights dimension in the context of the Master Plan for National Reconstruction (after hurricane Mitch). In light of articles 2, 3 and 4 of the Convention, the Committee encourages the State party to continue undertaking all appropriate measures to the maximum extent of available resources, including international cooperation, to continue ensuring that sufficient budgetary allocations are provided to social services for children and that

particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee recommends that the State party take children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts in seeking international cooperation for reconstruction after hurricane Mitch.

(ii) Definition of the child

671. With regard to the implementation of article 1 and other related provisions of the Convention, the Committee takes note of the existing legal studies to reform domestic legislation and harmonize the different legal ages according to the principles and provisions of the Convention. Nevertheless, the Committee is concerned about the use of the biological criterion of puberty to set different ages of maturity between boys and girls. This practice is contrary to the principles and provisions of the Convention and, inter alia, constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends to the State party to introduce the adequate reforms to its domestic legislation in order to bring it into full conformity with the principles and provisions of the Convention.

(iii) General principles

672. While the Committee acknowledges the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 24) for the protection of the rights of the most vulnerable groups of children, it is of the opinion that these measures need to be reinforced. In addition, the Committee is particularly concerned about the prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child. The Committee reiterates its recommendation to the State party and further recommends that it increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee recommends that the State party strengthen its efforts in order to revise prevailing cultural attitudes and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination enshrined in article 2 of the Convention. The Committee also recommends that the State party undertake educational campaigns to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, the Committee suggests that the State party consider acceding to the International Convention on the Elimination of All Forms of Racial Discrimination.

673. With regard to its recommendation (see CRC/C/15/Add.24, para. 20), the Committee notes that the current domestic legislation has partially integrated the principles of "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12). Nevertheless, it remains concerned that in practice, these principles are not fully implemented and children are not yet perceived as persons entitled to rights. The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to participate in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including

communities and religious leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights.

(iv) Civil rights and freedoms

674 While the Committee takes note of the State party's efforts to improve birth registration, especially those by the Office of the National Registry of Persons and the National Commissioner for Human Rights, it remains concerned about the fact that in some Departments only 20 per cent of all births are registered. In light of article 7 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.24, para. 25) and further recommends that the State party increase measures to ensure the immediate registration of the birth of all children, especially those living in rural and remote areas. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.

675 Although the Committee notes with appreciation the enactment of the Education Reform Law, which encourages and increases the participation of children in schools, it is still concerned that participatory rights of children have not been sufficiently developed in the State party. In addition, concern is also expressed at the existing legal prohibition of students' organizations in secondary schools, which is contrary to the child's rights to freedom of association and peaceful assembly. In light of articles 15 and 16 and other related articles of the Convention, the Committee recommends that further measures, including legislative reform, be undertaken to promote the participation of children in the family, school and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedoms of opinion, expression and association.

676 With regard to the implementation of the Committee's recommendation (see CRC/C/15/Add.24, para. 33), the Committee notes the measures taken by the State party to investigate cases of police brutality against children living in and/or working on the streets, as well as the payment of compensation to the victims of such abuse. Nevertheless, the Committee is of the opinion that judicial measures need to be reinforced. The Committee recommends that the State party reinforces its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children and that cases of abuse of children be duly investigated in order to avoid impunity for perpetrators.

(v) Family environment and alternative care

677. While noting that the Children and Adolescent Code and other domestic legislation regulate the process of adoptions, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). The Committee reiterates its suggestion to the State party to consider its accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

678 While the Committee takes note of the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 33) regarding the need to take all

available measures to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes and that adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

(vi) Basic health and welfare

679. In light of its recommendation (see CRC/C/15/Add.24, para. 28), the Committee welcomes the measures taken to improve the health standards of children, in particular those initiatives related to the reduction of infant mortality such as the Integrated Management of Childhood Illnesses, implemented in cooperation with WHO and UNICEF. Nevertheless, the Committee remains concerned about the persistent high rates of malnutrition in children under 5 years of age and in school-age children and limits access to health-care services in rural and remote areas. The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children.

680. With regard to adolescent health issues, the Committee welcomes the State party's initiatives and programmes to prevent and combat the spread of HIV/AIDS, and takes note of the intention to enact legislation for the protection of the rights of persons infected by HIV/AIDS. Nevertheless, the Committee is particularly concerned at the high and increasing rate of teenage pregnancy and the insufficient access by teenagers to reproductive health education and counselling services, including outside schools. The Committee is also concerned at the increasing rate of substance abuse among adolescents. The Committee recommends to the State party to continue, with the support of international cooperation, with its efforts in the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems and as a basis to promote adolescent health policies and strengthen

reproductive health education and counselling services. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.

681. With regard to the situation of children with disabilities, the Committee expresses its concern at the lack of adequate infrastructure, qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of a governmental policy and programmes for children with disabilities and at the lack of governmental monitoring of private institutions for these children. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities. Furthermore, the Committee encourages the State party to continue working in partnership with specialized non-governmental organizations in this field.

(vii) Education, leisure and cultural activities

682. In light of its recommendation (see CRC/C/15/Add.24, paras. 30-31) on the educational system, the Committee takes note of the follow-up measures undertaken by the State party in this field and notes with appreciation the plans for the establishment of the Honduran Programme of Community Education (PROHECO), which aims at improving children's access to education. Nevertheless, the Committee remains concerned about the low enrolment rates, especially in rural and remote areas, high drop-out rates from primary and secondary schools, and the lack of attention to the special needs of working children and children with disabilities. The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-outs. The Committee encourages the State party to consider technical assistance in this area, inter alia, from UNESCO.

(viii) Special protection measures

683. The Committee regrets the lack of follow-up to the Committee's recommendation (CRC/C/15/Add.24, para. 34) regarding the need to introduce legislation for the protection of the rights of refugees. The Committee reiterates its recommendation to the State party to undertake the necessary measures to introduce legislation for the protection of the rights of refugee children, in line with the relevant international standards.

684. The Committee remains concerned about the living conditions of children belonging to indigenous (e.g. Lencas, Chortis, Miskitos, etc.) and ethnic groups (e.g. Garifunas), especially with regard to the full enjoyment of all the rights enshrined in the Convention. In light of articles 2 and 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention.

685. While welcoming the measures taken for the eradication of child labour, in line with the Committee's recommendation (see CRC/C/15/Add.24, para. 35), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. In light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged within the memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee encourages the State party to continue enforcing labour legislation prohibiting the work of children in the maquila industry.

686. The Committee also expresses its concern about the situation of children, who, because of serious situations of extreme poverty as well as of situations of abandonment or violence within the family, are forced to live in and/or work on the streets and are therefore vulnerable to different forms of exploitation and abuse, including sale, trafficking and abduction. The rising number of youth gangs (known in Honduras as maras) is also an area of concern. In this regard, while the Committee takes note of the State party's plans to implement a specific strategy to address the issue of street children, it recommends to the State party to continue working in cooperation with non-governmental organizations in this area and to adopt appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon. Special attention in the form of preventive and rehabilitation measures should be given to the rising number of youth gangs.

687. While the Committee takes note of the reforms to the Penal Code and of the training given to the municipal children's defenders to prevent and combat sexual abuse and exploitation of children, it expresses concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation of children as well as the lack of a national plan of action to tackle this issue. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

688. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.24, para. 32),

inter alia the increase in the number of juvenile courts; the fact that children are not detained in the same prisons as adults and that special centres for children have been created; and the establishment of alternative measures to the deprivation of liberty. Nevertheless, the Committee remains concerned, inter alia, that deprivation of liberty is not used systematically as a measure of last resort; that due process is not fully respected; and that there is lack of adequate training for the police on the application of the Convention and other relevant international standards. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, and other relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that deprivation of liberty is only used as a measure of last resort, that due process needs to be respected in all cases, and that alternative measures to deprivation of liberty need to be strengthened. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

689. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

20. Concluding observations: Benin

690. The Committee considered the initial report of Benin (CRC/C/33/Add.52) at its 543rd to 545th meetings (see CRC/C/SR.543-545), held on 26 and 27 May 1999 and at the 557th meeting, held on 4 June 1999 adopted the following concluding observations.

(a) Introduction

691. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/BEN/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

692. The Committee notes the efforts undertaken by the State party to ensure that the principles and provisions of the Convention are widely known. In particular, it notes the State party's recent initiative to translate the Convention into seven local languages and to work in cooperation with the local media to encourage the broadcasting of programmes on child rights and the Convention, in local languages, throughout various regions of the country. The Committee welcomes the State party's use of child-friendly materials, such as the children's magazine entitled "The Adventures of Sika", in the promotion of the Convention and its principles.

693. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the implementation of the new education policy which aims to promote and facilitate increased school attendance of girls; enhance the quality of basic education by improving the level of teacher training and providing a more positive learning environment; and increase the overall access to basic education. The Committee notes the introduction of popularization programmes in the State party's six subprefectures to promote and encourage respect for children's rights as part of both the formal and informal educational system in the context of the Education and Community Project support by UNICEF.

694. The Committee notes the efforts by the State party in the area of child labour and economic exploitation and in particular the 1994 study which led to the implementation of a programme of action aimed at preventing children from entering the labour market; improving the conditions of work of children as a first step towards the elimination of child labour; abolishing child labour in hazardous activities; and raising awareness of children, parents, employers and the public at large of the dangers of early work for children. In this regard, the Committee welcomes the State party's 1996 cooperation agreement with the International Labour Office (ILO) for the implementation of the International Programme for the Elimination of Child Labour (IPEC).

(c) Factors and difficulties impeding the implementation of the Convention

695. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

(d) Subjects of concern and the Committee's recommendations

(i) General measures of implementation

696. The Committee notes the recent efforts of the State party to draft a Personal and Family Code that takes into account the situation of children. In this regard, the Committee further notes the State party's proposal to undertake a review of all legislation relating to children's rights with a view to drawing up a comprehensive children's code along the lines of the draft Personal and

Family Code. The Committee remains concerned, however, that domestic legislation, and in particular the Dahomey Code of Customary Law, still does not fully reflect the principles and provisions of the Convention. The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Personal and Family Code. The Committee recommends that the State party implement its proposal to undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention and facilitate the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

697. The Committee notes the establishment of the Benin Committee for Human Rights which is open to receiving and handling complaints from children, but regrets that insufficient efforts have been made to facilitate the participation of children, traditionally discouraged from making complaints. The Committee further notes the establishment of the National Monitoring Committee on the Implementation of International Human Rights Instruments (1996), but regrets that its broad mandate does not adequately allow for the specific monitoring of children's rights. The Committee is concerned that the State party has not yet established a national institution to deal with the coordination and implementation of the Convention and that these activities continue to be dispersed between several different agencies with minimal human and financial resources. The Committee urges the State party to ensure that existing monitoring mechanisms incorporate a child-rights focus. Additionally, the Committee recommends that the State party empower an existing national institution or establish a new one to coordinate and implement the Convention, including at the community level.

698. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, girls, in particular girls who have run away from their guardians, known as "Vidomegons", children living in remote rural areas, children living in poverty, children living and/or working on the street, refugee and asylum seeking children, children in the juvenile justice system, children of single-parent families, children born out of wedlock, children born of incestuous relations, sexually abused children and institutionalized children. Technical cooperation in this area from, inter alia, UNICEF is encouraged.

699. While noting the State party's recent introduction of a special telephone hotline for children to deal with complaints of violations of their rights and to provide remedies for such violations, the Committee is concerned that efforts have not been made to include social workers and NGOs in the project and to ensure adequate training for all officers currently assigned to field calls. The Committee recommends that efforts be made to introduce an awareness-raising campaign to facilitate the effective use of the hotline and to ensure accessibility to all children throughout the State party. The Committee further recommends that the State party take the necessary measures to provide adequate training for all personnel assigned to work with the hotline services.

700 The Committee notes the impact of economic policies and the structural adjustment programme which has had adverse effects on social investment. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of children "to the maximum extent of (...) available resources". In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

701. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large, are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in all local languages. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration and personnel of childcare institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and the United Nations Educational, Scientific and Cultural Organization.

(ii) Definition of the child

702. The Committee expresses concern at the low minimum legal age for marriage of girls - 15 years under the Civil Code and 14 years under the Dahomey Code of Customary Law. The Committee is particularly concerned about the disparity between the minimum legal ages for the marriage of boys (18-20 years) and that of girls. The Committee regrets that the new draft Personal and Family Code still does not adequately address these concerns in conformity with the Convention. The Committee recommends that the State party review its legislation, especially that relating to the legal ages for marriage and criminal responsibility, in order to bring it into conformity with the provisions of the Convention.

(iii) General principles

703 While the Committee takes note of the draft Personal and Family Code, it remains concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's

view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

704. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution as well as in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities, particularly mental disabilities, girls, particularly "Vidomegons", children living in remote rural areas, children living in extreme poverty, children living and/or working on the street, refugee and asylum seeking children, children in the juvenile justice system, children born out of wedlock, children of incestuous relations, and institutionalized children. The Committee recommends to the State party to increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

705. While the Committee notes the efforts of the State party, it remains concerned that infanticide continues to be practised, particularly in rural communities and on infants with disabilities. The Committee recommends that the State party seek to fully implement article 6 of the Convention and take measures, including those of a legal nature, to prevent and discourage infanticide and protect infants and guarantee their right to life, survival and development. In this regard, the Committee further recommends the introduction of education and awareness-raising programmes to change societal attitudes.

706. The Committee is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within schools, families, and the care and judicial systems.

(iv) Civil rights and freedoms

707. The Committee notes the enactment of domestic legislation to guarantee registration at birth and the proposed establishment of new legal provisions for the implementation of civil registries, particularly in remote rural communities. However, it remains concerned that many children are still not registered. The lack of awareness about registration procedures and the lack of adequate procedures and mechanisms in this regard are also matters of concern for the Committee. In light of articles 7 and 8 of the Convention, the Committee recommends that all necessary measures be taken to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

708. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, schools, the care and juvenile justice systems and generally within society. The Committee recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention.

(v) Family environment and alternative care

709. The Committee is concerned about the lack of policies and programmes to provide guidance and assistance to parents in fulfilling their parental responsibilities. The Committee recommends that the State party seek to establish policies and programmes to provide guidance and assistance to parents and to enhance their parental skills.

710. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the quality of living conditions in alternative care institutions; the inadequate monitoring of placements; and the limited number of qualified personnel in this field. The increasing incidence of abandonment is also a matter of concern for the Committee. The Committee recommends that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children.

711. The Committee notes that the State party has enacted legislation to regulate domestic adoptions. While it is noted that the State party has discontinued intercountry adoptions, the Committee remains concerned at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of informal adoptions are also matters of concern. In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children in this regard. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

712. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse; the lack of appropriate resources (both financial and human); the lack of adequately trained personnel to prevent and combat abuse; as well as the lack of awareness and information, including statistical data on these phenomena, are also matters of concern. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order

to understand the scope and nature of these practices, and that it adopt adequate measures and policies to contribute to changing attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and that sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

(vi) Basic health and welfare

713. While noting the State party's recent initiative to increase its budgetary allocation for the expansion of its vaccination programme, the Committee remains concerned that the overall allocation to health has systematically decreased within recent years. The Committee notes with concern the health situation of children within the State party and in particular the limited access to basic health care for children, high maternal, child and infant mortality rates, relatively short period of breastfeeding, poor weaning practices, high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.

714. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned with the high and increasing incidence of teenage pregnancy and HIV/AIDS and sexually transmitted diseases (STDs). The Committee notes with concern that the 1920 law continues to prohibit the use of contraceptives, including for health purposes, and to impede the full implementation of family planning programmes, including the safe motherhood initiative. The Committee recommends that the State party increase its efforts in promoting adolescent health policies, particularly with respect to accidents, suicide and violence, and in strengthening reproductive health education and counselling services. In this regard, the Committee also recommends the inclusion of men in all training programmes on reproductive health. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy as well as the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of

adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be assessable, without parental consent, where in the best interests of the child. The Committee recommends that the State party repeal the 1920 law concerning family planning and the use of contraceptives.

715. The Committee notes with concern the limited efforts of the State party to introduce adequate measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. In this regard, the Committee further urges the State party to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.

716. The Committee expresses its concern at the absence of legal protection and the lack of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

(vii) Education, leisure and cultural activities

717. The Committee notes the recent initiatives of the State party to improve the situation of education and in particular to increase school attendance of girls by eliminating the payment of fees for them. However, the Committee remains concerned that girls are still denied access to education and that some school administrators continue to resist the new educational policy, asserting that the non-payment of school fees for girls impacts negatively on school budgets. In this connection, the Committee is also concerned that some children, including those living in poverty and in remote rural communities, still do not have access to education. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding; high dropout, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; and the limited number of trained teachers. The State party is encouraged to continue its efforts to promote the school attendance of girls and to introduce measures to limit the impact of its policy concerning the non-payment of fees for girls on school budgets. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.

(viii) Special protection measures

718 While recognizing the State party's openness to hosting refugees from neighbouring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee, asylum seeking and unaccompanied children The Committee recommends that the State party develop a legislative framework for the protection of refugee, asylum seeking and unaccompanied children and implement policies and programmes to guarantee their adequate access to health, education and social services.

719 While the Committee notes the initiatives by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, it remains concerned at the situation of "Vidomegons", children employed in the agricultural sector, and children engaged as apprentices in the informal sector. The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, especially those engaged as domestic workers, agricultural labourers and apprentices. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment

720 The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among the youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances, and the limited psycho-social and medical programmes and services available in this regard In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, psycho-social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the United Nations International Narcotics Control Board.

721 The absence of adequate information, including disaggregated statistical data, on the situation of sexual exploitation of children is a matter of concern for the Committee. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children It also recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It is also recommended that the State party consider the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949

722 While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. In the light of

article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and strengthen law enforcement, and intensify its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.

723. While the Committee notes that a juvenile justice system has been established within the State party and that reforms are envisaged in this regard, it remains concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The absence of juvenile courts in some regions;

(c) The situation of overcrowding in detention facilities; the holding of minors in adult detention facilities;

(d) The lack of reliable statistical data on the number of children in the juvenile justice system;

(e) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system;

(f) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

724. The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty, and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Pursue its proposal to request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

725. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

21. Concluding Observations: Chad

726. The Committee considered the initial report of Chad (CRC/C/3/Add.50) at its 546th to 548th meetings (see CRC/C/SR.546-548), held on 24 and 25 May 1999 and at the 557th meeting, held on 4 June 1999 adopted the following concluding observations.

(a) Introduction

727. The Committee expresses its appreciation for the submission of the report, while noting that the report did not always follow strictly the guidelines established by the Committee. The Committee also takes note of the written answers to the list of issues (CRC/C/Q/CHAD/1), while regretting their late submission, and of the additional information provided to it during the course of the dialogue, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the constructive and cooperative dialogue with the State party's delegation, as well as its frankness and self-critical approach.

(b) Positive aspects

728. The Committee welcomes the improvement in the human rights situation that has resulted from the end of civil conflict and the achievement of a political settlement. It welcomes in particular the measures undertaken by the State party to improve the implementation of the Convention since the initial report was prepared in 1996. It notes current efforts to draft legislation that will improve the protection of children from all forms of abuse and appreciates the attempts made by the State party to involve customary and religious leaders in the implementation of the rights of the child. The Committee also welcomes the fact that Chad has recently moved to ratify the African Charter on the Rights and Welfare of the Child.

729. The Committee welcomes the establishment in 1998 of a Parliament for Children that may contribute to the State party's efforts to address widespread resistance to the consideration of the views of the child, due to traditional customs and attitudes.

730. The Committee welcomes the preparation by the Ministry of Social Action and the Family of a National Programme for Persons with Disabilities, the decision to exempt children with disabilities from all educational fees, and the efforts of the State party to cooperate with NGOs in this field.

731. The Committee appreciates the establishment of a technical unit within the Ministry of education to encourage schooling for girls.

(c) Factors and difficulties impeding the implementation of the Convention

732. The Committee is aware of the difficulties encountered by the State party, noting that the State party is among the least developed countries of the world, and that the devaluation of the CFA franc and the implementation of structural adjustment programmes affect the implementation of the Convention. The lack of access to the sea, as well as environmental degradation, and the difficulties involved in dealing with a large territory which includes sparsely populated areas pose additional problems.

733. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to girls.

734. The Committee notes that the legacy of violence left by decades of civil war in the State party creates additional obstacles for the full implementation of the Convention.

(d) Principal subjects of concern and Committee recommendations

(i) General measures of implementation

735. While the Committee notes the efforts of the State party to review legislation, including the recent adoption of several laws dealing with different aspects of juvenile justice and the drafting of legislation to protect children against different forms of abuse, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current and proposed legislation covering children's rights is fragmented in different laws. The Committee recommends that a thorough review of all existing legislation be conducted to bring it into line with the provisions of the Convention and suggests that the State party consider enacting a comprehensive children's code, as recommended by the 1993 Sovereign National Conference.

736. The Committee takes note of the close collaboration between the Department for Children of the Ministry for Social and Family Affairs and the Child Protection Department of the Ministry of Justice. It also notes the existence of the National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children (PRONAFET). The Committee remains concerned about the lack of effective coordination of the implementation of the Convention on the Rights of the Child. It notes with concern the lack of an effective mechanism to ensure systematic implementation of the Convention and the monitoring of progress achieved. The Committee recommends that the State party take all appropriate measures to strengthen coordination of the implementation of the Convention by a governmental mechanism with adequate powers, functions and resources. Coordination must take account of the need to give due regard to the integrated approach of the Convention. The Committee encourages the State party to improve or expand an existing mechanism or establish an independent one to monitor implementation, and to identify within the existing framework a focal point to deal with child complaints of violations and ensure that violations of child rights are duly addressed.

737. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most sensitive, such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, especially girls, children with disabilities, children living in rural areas, children living in poverty and refugee children. The Committee recommends that the State party undertake efforts to develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF, is encouraged.

738. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention. Budget allocation for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources.

739. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention among both adults and children need to be strengthened. Welcoming the efforts of the State party to carry out sensitization programmes on the Convention for traditional chiefs and religious leaders, the Committee considers that training programmes for professional groups working with and for children need to be further developed. The Committee recommends that the State party reinforces its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike, and to change those attitudes that pose difficulties for the implementation of the Convention. It also encourages the State party to continue its efforts to sensitize the community, especially parents, and to sensitize and train traditional and religious leaders, as well as all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, psychologists and social workers.

(ii) Definition of the child

740. While noting the preparation by the State party of legislation that would set the legal age for marriage at 18 for both boys and girls, the Committee expresses its concern about the different minimum legal ages for marriage under existing legislation for boys (18) and girls (14), and about the lower age for girls which appears to be common for traditional customary law marriages. The Committee encourages the State party in its commitment to harmonize the minimum legal ages for marriage, increasing the minimum age for girls. It recommends that the State party undertake aware-raising campaigns on the negative effects of early marriage.

(iii) General principles

741. With regard to the implementation of the general principles of the Convention, and in particular article 2, insufficient measures have been adopted to ensure that full enjoyment by all

children of the rights recognized in the Convention. The Committee is extremely concerned at the situation of girls, in particular in relation to access to education and to protection from harmful traditional practices, sexual abuse, forced marriages, early marriage and early pregnancy. The Committee recommends that a more active approach be taken to eliminate discrimination against vulnerable groups of children, especially girls.

742. While recognizing the efforts of the State party, including the establishment in 1998 of a children's parliament, the Committee is still concerned that the participatory rights of children, as enshrined in the Convention, are not yet taken into account by the society at large. The Committee is particularly concerned that the implementation of article 12 of the Convention regarding the need to give due weight to the views of the child in accordance with the age and maturity of the child is excessively constrained by subjective interpretation under existing legislation. The Committee recommends that the State party develop further a systematic approach to increasing, including through the media, public awareness in order to make these rights and their implications fully understood by the population at large. In addition, the Committee recommends that, in the requested review of existing legislation, reconsider, without neglecting the need for special support, the right of children under 18 to give evidence in court without being accompanied by their parents or guardians.

(iv) Civil rights and freedoms

743. While acknowledging the difficulties posed by the high rate of illiteracy, the Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of implementation of legislative measures requiring parents to register children at birth, especially in rural areas and in particular among nomadic groups. In the light of article 7 of the Convention, the Committee recommends that the State party take all available measures to ensure registration of the birth of all children. The Committee encourages the State party to ensure that birth registration procedures are made widely known and suggests that consideration be given to the establishment of mobile registration units, or other innovative approaches, to facilitate birth registration in remote rural areas and for nomadic groups.

744. The Committee is generally concerned that inadequate attention has been given to the promotion of civil rights and freedoms of the child, as provided for in articles 13, 14 and 15 of the Convention. The Committee is also concerned about respect of the child's right to privacy (art. 16), including at school, and about the right of children to be protected from harmful information and material, in accordance with article 17 of the Convention. Information before the Committee indicates that traditional social attitudes regarding the role of children appear to make it difficult to accept children fully as subjects of rights. The Committee urges the State party to redouble its efforts to protect children from harmful information and material and to educate and sensitize parliamentarians and government officials, professional groups, parents and children on the importance of accepting fully the concept of child rights, and recommends that legislative measures be envisaged to guarantee the enjoyment of civil rights and freedoms for every child.

745. The Committee is concerned about inadequate enforcement of existing legislation to ensure that children are treated with humanity and respect for the inherent dignity of the human person. The Committee recommends that the State party give prompt consideration to the

possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to review its policies and legislation to provide for full implementation of the provisions of articles 37 (a) and 39 of the Convention.

(v) Family environment and alternative care

746. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support and supervision of the existing ones established by non-governmental organizations. The Committee is also concerned about the conditions of children living in informal types of placement (intra-family "adoption"), whose situation is not periodically reviewed in accordance with article 25 of the Convention. The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and to set up monitoring for public and private care institutions. In the light of article 25 of the Convention, the Committee further suggests that the State party undertake a study to review the conditions of children living in an informal type of placement.

747. The Committee takes note of the imminent ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned about the widespread traditional customary practice of "intra-family" adoption. The Committee encourages the State party to strengthen its legal provisions regarding domestic adoption.

748. While noting that legislation is being drafted to protect children from all forms of abuse, including forced marriage and incest, the Committee expresses its concern at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, especially in schools and other institutions. It is also concerned at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. In the light of article 19 of the Convention, the Committee recommends that the State party take all appropriate measures, including adoption of the proposed legislation, to prevent and combat ill-treatment of children, including domestic violence and sexual abuse. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence and special investigators or community focal points.

749. The Committee is concerned about the use of corporal punishment in families, schools and other institutions. It is concerned about existing legislation that allows the use of corporal punishment in families and correctional facilities, and particularly concerned about its continued use in some religious schools in spite of legislation banning corporal punishment in schools. The Committee encourages the State party to review its policies and legislation in order to eliminate corporal punishment as a method of discipline, and to improve enforcement of the legislation banning corporal punishment in schools. It recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention. Finally, the Committee encourages the State party to seek international assistance and advice to overcome traditional social and religious attitudes regarding corporal punishment.

(vi) Basic health and welfare

750 In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions, while welcoming the efforts of the State party to increase services to children with disabilities. The Committee is also concerned about the lack of legislation protecting children with disabilities against discrimination, and about the difficulties encountered in addressing the special needs of children with mental disabilities. The Committee recommends that the State party increase its efforts to give adequate attention to the special needs of children with mental and physical disabilities, and to encourage the inclusion of disabled children in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

751 While the Committee notes with appreciation the State party's efforts to combat infant and child mortality and the important role played by international technical assistance in this regard, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services. The persistence of health problems related to insufficient access to safe water and sanitation are also a matter of concern. The Committee suggests that the State party increase its efforts, with continued support from international assistance, to make basic health care, safe water and sanitation accessible to all children. In particular, concerted efforts are needed to combat malnutrition and to ensure the implementation of the recently adopted national plan of action for nutrition.

752. While the Committee acknowledges the State party's efforts to combat and prevent the transmission of HIV/AIDS, it expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80, para. 243) and to seek international cooperation from UNICEF, WHO and UNAIDS to set up programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS.

753 While welcoming the State party's efforts to adopt measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of children, the Committee remains concerned at the difficulties encountered in eliminating such practices. The Committee encourages the State party to adopt the proposed legislation and strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the child. It encourages the State party to continue carrying out awareness-raising campaigns and sensitization programmes for traditional and religious leaders and for practitioners of female genital mutilation.

754 The Committee acknowledges the State party's efforts in the area of adolescent health, but it remains concerned at the high rate of early pregnancy and the lack of access by teenagers to reproductive health education and services, and to emergency care. It is also concerned at the impact that punitive legislation regarding abortion can have on maternal mortality rates for adolescent girls. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact

of early pregnancy and illegal abortion. The Committee encourages the State party to review its practices under the existing legislation authorizing abortions for therapeutic reasons, with a view to preventing illegal abortions and improving protection of the mental and physical health of girls. The Committee also encourages the State party to seek continuing assistance from, inter alia, UNICEF and WHO to promote adolescent health policies and programmes, including by strengthening reproductive health education and counselling services.

(vii) Education, leisure and cultural activities

755. The Committee welcomes the commitment of the State party to education, and the active support received from international technical assistance in this area. The Committee remains concerned at the very high illiteracy rates, the low enrolment rate and limited access to education, especially in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. The Committee recommends that the State party undertake all appropriate measures to improve the quality of and access to education, especially for the most vulnerable groups of children, and to reinforce training programmes for teaching personnel. Furthermore, the Committee suggests that the State party increase its efforts to include the environment, peace education, human rights and the Convention in the school curriculum, especially within the framework of the United Nations Decade for Human Rights Education.

756. The Committee is concerned that family preference for negotiated settlement of incidents of sexual abuse and exploitation of girls by teachers does not provide adequate protection and may lead to double victimization. It recommends the State party to review this issue to ensure that priority be given to protection from sexual abuse and exploitation, taking fully into account the best interests of the child (art. 3) and all of the provisions of the Convention, and that perpetrators be appropriately sanctioned.

757. While acknowledging efforts being made to address the problem of students who bring weapons to school, the Committee is concerned at the frequency and level of violence in schools, including bullying among students. In the light of articles 3, 19 and 28.2 of the Convention, the Committee encourages the State party to increase its efforts to prevent violence in schools and, especially, to eliminate bullying.

(viii) Special protection measures

758. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. The Committee recommends that the State party increase its efforts to provide adequate protection to refugee children, working in close cooperation with international agencies active in the field, such as UNHCR and UNICEF.

759. While taking note of the existing awareness and political will regarding the problems caused by the involvement of children in armed conflict, the Committee remains seriously concerned about the lack of resources available to support the rehabilitation and social reintegration of demobilized child soldiers. The Committee is particularly concerned about the

situation of traumatized or permanently disabled former child soldiers and their lack of access to compensation or other support services. The Committee recommends that the State party ensure the enforcement of its legislation banning the recruitment of children under 18 years. It also encourages the redoubling of efforts to allocate the necessary resources, if necessary with international assistance, to the rehabilitation and social reintegration of former child soldiers, and in particular to provide compensation and support services to traumatized or permanently disabled former child soldiers.

760. The Committee welcomes the establishment of juvenile chambers to deal with offenders aged 13 to 18 in courts of first instance, and the recent adoption of additional legislation on the treatment of juveniles, including the requirement that deprivation of liberty be used only as a measure of last resort, and guaranteeing legal assistance. The Committee remains concerned about the conditions faced by children deprived of liberty, particularly children detained with adults without adequate protection from inhumane treatment, and about the insufficiency of programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee encourages the State party to pursue its plans to build facilities to separate juveniles from adults and continue training judges, and recommends that the State party take all other measures needed to implement fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

761. Taking note of the completion of an ILO study and the preparation of another one, the Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context, as well as at the persistence of forms of bonded labour for children. The Committee encourages the State party to use the ILO studies as a framework for the development of strategies and programmes, and to review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced and penalties imposed in cases of violation. Furthermore, the Committee recommends that the State party complete the process of ratification of ILO Convention No. 138 on Minimum Age for Admission to Employment.

762. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. The Committee suggests that the State party use as a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

763. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and

concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

22. Concluding observations: Nicaragua

764. The Committee considered the second periodic report of Nicaragua (CRC/C/65/Add.4) at its 549th and 550th meetings (see CRC/C/SR.549-550), held on 31 May 1999, and at the 557th meeting, held on 4 June 1999 adopted the following concluding observations.

(a) Introduction

765. The Committee welcomes the timely submission of the State party's second periodic report, the supplementary written information (CRC/C/65/Add.14) and additional information presented in the course of the dialogue. The Committee expresses its appreciation for the comprehensive nature of the report. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/NIC/2) while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

766. The Committee welcomes the constitutional reform (1995), which affords constitutional status to the Convention on the Rights of the Child, in line with the Committee's recommendation (see CRC/C/15/Add.36, para. 26).

767. In light of its recommendations (see CRC/C/15/Add.36, para. 26), the Committee welcomes the enactment of the Code on Children and Adolescents (1998), which constitutes a genuine process of civil society participation and has contributed to create awareness of the Convention.

768. In light of its recommendation (see CRC/C/15/Add.36, para. 27), the Committee welcomes the measures taken to strengthen the monitoring role of the National Commission for the Promotion and Defence of the Rights of Children, as well as the adoption of an updated version of the National Plan of Action for Children and Adolescents (1997-2001).

769. The establishment, supported by international cooperation, of special programmes for children such as the Programme for the Integral Care of Nicaraguan Children (PAININ), the Integrated Basic Services Programme (PROSERBI) and the Integrated School Nutrition Programme (PINE), which are in line with the Committee's recommendations (see CRC/C/15/Add.36, paras. 31 and 32), are noted with appreciation. The establishment of the programme "Return of Happiness", which aims at the psycho-social rehabilitation of Nicaraguan children affected by hurricane Mitch, deserves a special mention.

770. In view of its recommendation (see CRC/C/15/Add.36, para. 41), the Committee welcomes the measures taken by the State party to publicize its initial report (CRC/C/3/Add.25) and the Committee's concluding observations (CRC/C/15/Add.36), as well as the conduct of numerous workshops and public campaigns which have generated debate and awareness of the Convention.

771. With regard to the Committee's recommendation (see CRC/C/15/Add.36, para. 30) regarding the need to establish training programmes for all professionals working with and for children, the Committee welcomes the fact that the National Police has incorporated the Convention into the Police Academy's curriculum and that a training programme on the Convention has begun for police officers. In this connection, the Committee notes with appreciation the willingness of the State party to engage in a technical cooperation programme with the Office of the High Commissioner for Human Rights for the strengthening of human rights, including children's rights, within the law enforcement agencies.

772. The Committee notes with appreciation the establishment of the network of Mayors' Friends and Defenders of Children and the Municipal Commissions on Children which are the main promoters of municipal plans of action for the defence of the rights of the child.

773. With regard to its previous recommendation (see CRC/C/15/Add.36, para. 31) concerning the need to adopt measures to prevent and combat gender discrimination, the Committee welcomes the enactment of the Law against Domestic Violence (Law No. 230), the establishment of the Nicaraguan Institute for Women and the National Commission to combat violence against women and children, and the creation of the Commissariat for Women and Children. In the same vein, the Committee welcomes the creation (1995) of the National Council for the Integral Attention of Children with Disabilities (CONAINID) as a positive measure for the protection and promotion of the social integration of children with disabilities.

774. The Committee welcomes the numerous initiatives regarding the implementation of its recommendations (see CRC/C/15/Add.36, para. 40) concerning the situation of child labour in the State party. In this connection, the Committee welcomes, inter alia, the reforms to the Labour Code (1997), the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization (ILO)-International Programme for the Eradication of Child Labour (IPEC) for implementing a programme for the eradication of child labour as well as for the establishment of a National Commission for the Eradication of Child Labour (1997), and the adoption of a National Plan of Action against child labour (1998).

775. With regard to the administration of juvenile justice, the Committee welcomes the State party's follow-up measures to the Committee's recommendations (CRC/C/15/Add.36, para. 39), such as the enactment of legislation for the creation of a specialized system on juvenile justice (Code on Children and Adolescents, 1998); the development of training material for law enforcement officials working with children in conflict with the law; the establishment of an inter-agency committee on juvenile justice; the conduct of a study on the financial and human resources for the full implementation of the juvenile justice system; the development of a project "Integrated support for the juvenile prison population in Nicaragua"; and the separation of children from adults in detention centres.

776 The Committee welcomes the participation of non-governmental organizations in the elaboration of the State party's second periodic report, in the drafting of the Code on Children and Adolescents as well as in the National Commission for the Promotion and Defence of the Rights of Children (CNPDN) and in the elaboration of the National Policy of Comprehensive Attention for Children. The Committee also welcomes the fact that the implementation of the Convention in the State party has become a participatory process with the active participation and support of grass-roots organizations and the private sector.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

777 The Committee notes with deep concern the devastating effects of hurricane Mitch (1998), which had a negative impact on the most vulnerable sectors of the population, including children, especially owing to the damage caused in the agriculture sector and to infrastructure. Hurricane Mitch not only left many dead, missing persons, homeless families and destroyed educational and health-care facilities and services in its wake, but also constituted a setback in the efforts of the State party to gradually make children's rights a living reality. The Committee expresses its solidarity with the State party in its reconstruction efforts.

778 The Committee notes that widespread poverty and long-standing socio-economic disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child in the State party. This situation, the Committee also notes, has been particularly aggravated by severe economic constraints, due in particular to the implementation of structural adjustment programmes and external debt.

(d) Principal subjects of concern and the Committee's recommendations

(i) General measures of implementation

779 While welcoming the enactment of the Code on Children and Adolescents (1998) and noting the measures taken and plans established for the full implementation of this Code, especially the ones contained in the document entitled "Transformations and Investment in the Human Rights of Children and Adolescents" (1999), the Committee remains concerned that the Code is not fully implemented. In this connection, the Committee is aware that the implementation of the Code entails the creation of a number of institutions and the development of social infrastructure for children, which requires the commitment of a great amount of financial and professional resources. The Committee recommends that the State party take all available measures, including through international cooperation, to guarantee the full implementation of the Code on Children and Adolescents and supports the State party's initiatives designed to procure international cooperation in this regard. Furthermore, the Committee encourages the State party to continue with its process of legislative reform to ensure that all other domestic laws related to children are in full conformity with the principles and provisions of the Convention.

780 With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 27) concerning the need to improve coordination among various governmental bodies dealing with children's issues, at both the national and local levels, the Committee takes note of

the current process of institutional transformation as a result of the enactment of the Code on Children and Adolescents, including the creation of the National Council for the Attention and Integral Protection of Children as the central body in charge of the implementation of the Convention. In addition, the Committee notes with appreciation that the Code on Children and Adolescents has envisaged participation by non-governmental organizations and children within the national council to be established following adoption of a secondary law by the National Assembly. Nevertheless, the Committee is still concerned that the current levels of coordination in the implementation of the Convention are insufficient. The Committee recommends that the State party take all available measures to accelerate its current process of institutional reform of the coordinating bodies in charge of the implementation of the Convention. The Committee suggests that, before the establishment of the new National Council for the Attention and Integral Protection of Children, the State party undertake a comprehensive review of the mandates and activities of all the governmental institutions working on children's issues in order to maximize its financial and human resources and improve efficiency for the benefit of children. Furthermore, the Committee encourages the State party to continue working in close cooperation with non-governmental organizations working in the field of children's rights. In this connection, the Committee further recommends that the non-governmental organizations and children to be included in the National Council take into account and represent the interests of all groups of children, especially the most vulnerable groups.

781. In light of its recommendation (see CRC/C/15/Add.36, para. 28) concerning the need to improve the State party's data collection system, the Committee takes note with satisfaction of the efforts taken in this regard. It remains concerned about the lack of disaggregated data on children's rights. The Committee recommends that the State party continue with the development of its data collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights, and should be used to design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from, inter alia, UNICEF.

782. With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 29) concerning the creation of the Office of the Ombudsman for Children, the Committee notes with appreciation that legislation for the creation of the Office of the Human Rights Ombudsman, including the creation of a subsidiary Office for Children's Rights, has been enacted. Nevertheless, it regrets the fact that the officials themselves have not yet been appointed. The Committee encourages the State party to continue with its efforts to appoint the appropriate authorities for the Office of the Human Rights Ombudsman, and the Office for Children's Rights.

783. While welcoming the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.36, para. 30) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large, the Committee remains concerned at the insufficiency of these measures, especially among indigenous groups (e.g. Miskitos and Ramas) as well as in rural areas. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special

emphasis should be placed on the dissemination of the Convention among indigenous groups as well as in rural and remote areas. In this regard, the Committee further recommends the involvement of local structures such as the Municipal Commissions on children and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends the continuation of efforts to publicize the Convention through methods that take into consideration the specific needs of indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.

784. With regard to the provision of training for professionals working with and for children (see Committee's recommendations, CRC/C/15/Add.36, para. 30), the Committee welcomes the efforts undertaken in this area such as those adopted in the framework of the PAININ programme by the Ministry of Health, as well as the provision of training on the Convention for teachers, by the Ministry of Education. The Committee encourages the State party to continue undertaking systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Furthermore, special attention should be paid to the provision of training for professionals working with and for children. Technical assistance from , inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

785. The Committee welcomes the fact that the State party has taken children's rights into consideration in designing its social policies and programmes, especially in the context of its efforts to seek international cooperation for reconstruction after hurricane Mitch. Nevertheless, in view of the persistent economic constraints, and taking into account the efforts undertaken, especially in the area of debt reduction, to allocate substantial financial resources for the benefit of children, the Committee reiterates its recommendation (see CRC/C/15/Add.36, para. 32) that such measures should be undertaken "to the maximum extent of [...] available resources" in light of articles 2, 3 and 4 of the Convention, including through international cooperation. The Committee encourages the State party to continue ensuring that sufficient budgetary allocations are provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups. Furthermore, the Committee encourages the State party to continue with its efforts to reduce the burden of its external debt, with special attention to maintaining the provision of social policies and programmes for children as enshrined in article 4 of the Convention.

(ii) Definition of the child

786. While the Committee is aware that a reform to the State party's Constitution would be necessary in order to increase the number of years of compulsory education from six to nine years, as previously recommended by the Committee (see CRC/C/15/Add.36, para. 38), it regrets the lack of measures taken to harmonize the minimum legal ages for access to work (14) and for ending compulsory education (12). In addition, while the Committee takes note that the draft Code on the Family will equalize the minimum legal ages for marriage of boys and girls, it remains concerned (see CRC/C/15/Add.36, para. 13) about the current differences. The

Committee recommends to the State party to undertake the appropriate legal reform and harmonize the minimum legal ages for work and compulsory education by raising the latter, in order to bring it into full conformity with the principles and provisions of the Convention. The Committee also recommends to the State party to raise and equalize the minimum legal age of marriage of boys and girls.

(iii) General principles

787. With regard to the implementation of article 2 of the Convention, the Committee remains concerned (see CRC/C/15/Add.36, para. 15) about the persistent regional disparities between the Atlantic and Central/Pacific regions, the growing disparities between urban and rural areas as well as the increasing number of people living in urban poor and marginalized areas. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disability is also a major concern. The Committee reiterates its recommendation to the State party to reduce economic, social and regional disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. The Committee also recommends that the State party undertake educational campaigns to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its elimination.

788. The Committee takes note that domestic legislation (e.g. the Code on Children and Adolescents) has included the principles of "the best interests of the child" (art. 3) and "respect for the views of the child" (art. 12). Nevertheless, concern is expressed at the lack of practical implementation of these principles, in particular that the child's right to express his/her views in a judicial or administrative procedure affecting him/her, as established in article 17 of the Code on Children and Adolescents, may not be respected in all cases in a culture where respect of the views of the child is not fully developed. The Committee reiterates its concern (see CRC/C/15/Add.36, para. 9), that in practice these principles are not fully respected due to the fact that children are not yet perceived as persons entitled to rights and that the rights of the child are often undermined by adults' interests. The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her right to express his/her views in the family, at school, within other institutions and in society in general. These principles should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including communities and religious leaders as well as educational programmes, on the implementation of these principles should be reinforced in order to change traditional perceptions regarding children as objects and not as subjects of rights. Furthermore, with regard to article 17 of the Code on Children and Adolescents, the Committee recommends that the evolving capacity of the child should always be taken into consideration in all judicial and administrative processes or decisions affecting the child.

(iv) Civil rights and freedoms

789. While noting the measures taken by the State party in the area of birth registration, especially those carried out by the Supreme Electoral Council in cooperation with UNICEF, the

Ministry of Health and municipal governments, the Committee remains concerned (see CRC/C/15/Add.36, para. 16) about the insufficient registration of births and the lack of awareness and understanding of registration procedures, especially in rural areas and among indigenous communities. In light of article 7 of the Convention, the Committee recommends that the State party continue taking all available measures to ensure the immediate registration of the births of all children, especially in rural areas and among indigenous communities. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are widely known by the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.

790. With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 33) concerning participatory rights of children, the Committee notes with appreciation the initiatives within the Municipal Commissions on Children as well as the pilot project on student governments developed by the Ministry of Education. Nevertheless, the Committee is still concerned that participatory rights of children have not been sufficiently addressed by the State party. In light of articles 15, 16, 17 and other related articles of the Convention, the Committee recommends that further measures, including legislative reform, be undertaken to promote the participation of children in the family, the school and other institutions and social life, as well as the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression, and association.

791. In light of its recommendation (see CRC/C/15/Add.36, para. 34), the Committee welcomes the fact that domestic legislation (Code on Children and Adolescents) has introduced protection of the child from information and material injurious to his/her well-being and guarantees access to appropriate information (art. 17) and protection of the child's right to privacy (art. 16). However, the Committee remains concerned about the lack of secondary legislation regulating the practical implementation of these rights. The Committee encourages the State party to continue with its process of legal reform and allocation of appropriate resources in order to establish practical procedures and regulations to protect children from harmful information and, to guarantee their access to appropriate information and their right to privacy. The Committee further recommends that it take into consideration the Committee's recommendations emanating from its day of general discussion (1996) on "The child and the media" (CRC/C/57).

792. While noting that domestic legislation protects children against torture, the Committee is concerned about the insufficient judicial procedures to investigate cases of police brutality, ill-treatment or abuse of children. The Committee recommends that the State party reinforce its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of abuse of children be duly investigated. The Committee encourages the State party to consider the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(v) Family environment and alternative care

793. The Committee takes note of the draft Code on the Family and the recent creation of the Ministry on the Family as measures taken in line with the Committee's recommendation (see CRC/C/15/Add.36, para. 35) concerning the need to focus on family and social programmes.

The Committee reiterates its recommendation to the State party to enforce its efforts in addressing family issues such as family disintegration, adolescent pregnancies and violence within the family Furthermore, the Committee recommends that the State party allocate adequate financial and human resources for family and social programmes.

794 The Committee takes note that the Code on Children and Adolescents includes legal measures for the protection of children deprived of a family environment and that further measures have been included in the draft Code on the Family. Nevertheless, the Committee remains concerned (see CRC/C/15/Add. 36, para. 18) about the inadequacy of measures taken to ensure that the conditions in institutions are regularly monitored and that the placement of children in public and private institutions is not periodically reviewed. The Committee recommends that the State party continue taking the necessary steps for establishing alternative measures to institutional care of children (e.g. fostering). The Committee further recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions. The Committee encourages the State party to continue taking measures to review periodically the placement and treatment of children as enshrined in article 25 of the Convention.

795 While noting that the process of adoption is regulated by the Law on Adoptions (1981), which reflects article 21 of the Convention, and that further measures have been introduced in the draft Code on the Family, the Committee regrets that the State party has not fully complied with the implementation of its recommendation (see CRC/C/15/Add.24, para. 26). The Committee reiterates its suggestion to the State party to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

796 With regard to the implementation of its recommendation (see CRC/C/15/Add.36, para. 35) concerning the need to take all available measures to prevent and combat cases of abuse and ill-treatment of children, the Committee welcomes the enactment of the law against domestic violence (1996). Nevertheless, the Committee is of the opinion that these measures need to be reinforced. Concern is expressed at the insufficient public awareness regarding the harmful consequences of ill-treatment and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel, to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for such children and their limited access to justice are also matters of concern. In light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures, including setting up multidisciplinary programmes and rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and other institutions, including the juvenile justice system, and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; adequate child-friendly procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.

(vi) Basic health and welfare

797. In light of its recommendation (see CRC/C/15/Add.36, para. 37), the Committee welcomes the measures taken to improve the health standards of children, in particular initiatives related to the reduction of infant mortality, such as the integrated Management of Childhood Illnesses, implemented in cooperation with the World Health Organization and UNICEF, the establishment of child-friendly hospitals and the promotion of breastfeeding. Nevertheless, the Committee remains concerned about the persistent regional disparities in access to health care, high rates of malnutrition in children under five years of age and in school-age children, and low access to health care services in rural and remote areas. The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care, with special emphasis on rural areas, to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and plan of action for children.

798. With regard to adolescent health issues (see Committee's concern, CRC/C/15/Add.36, para. 20), the Committee remains concerned at the high and increasing rate of teenage pregnancy, the high maternal mortality rate related to abortion and the insufficient access by teenagers to reproductive health education and counselling services, including outside the school system. The Committee is also concerned about the increasing rate of children infected by HIV/AIDS. The Committee recommends to the State party to continue taking measures for the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). It also suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems as a basis for promoting adolescent health policies and strengthening reproductive health education. The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. International technical assistance from, inter alia, UNICEF and UNAIDS is also recommended.

799. With regard to the situation of children with disabilities, while the Committee welcomes the establishment of CONAINID, it remains concerned at the lack of adequate infrastructure, limited qualified staff and specialized institutions for these children. In addition, the Committee is particularly concerned at the lack of governmental policy and programmes for children with disabilities and at the lack of monitoring of private institutions for these children. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres for them and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation for the training of professional staff working with and for children with disabilities.

(vii) Education, leisure and cultural activities

800. In light of its recommendations (see CRC/C/15/Add.36, para. 38) on the educational system, the Committee notes with appreciation the follow-up measures undertaken by the State party in this field, especially the Ministry of Education's Basic Education Project, undertaken in cooperation with the World Bank, which aims at improving the quality, equity and efficiency of the education system. Nevertheless, the Committee remains concerned, inter alia, about the high drop-out rates from primary and secondary schools, especially in rural areas, by the poor condition of schools and the scarcity of textbooks. The Committee also regrets that the Convention has not been totally incorporated into the school curricula. The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to establish retention programmes and vocational training for drop-outs, to improve school infrastructure, to continue with curricular reform, including teaching methodologies, to eradicate urban/rural disparities with reference to school enrolment and attendance, and to implement special education programmes taking into account the needs of working children. Furthermore, the Committee encourages the State party to continue with its efforts to include the teaching of the Convention in the school curricula.

(viii) Special protection measures

801. Although the Committee is aware of the State party's efforts for the elimination of the landmines planted in its territory, it expresses its concern about the fact that these mines were displaced by the effects of Hurricane Mitch and therefore pose a threat to the lives of the population, especially children. The Committee recommends to the State party to continue taking all necessary measures, including awareness-raising programmes on landmines and training for the population at large, with a view to protecting children. In this regard, the Committee encourages the State party to continue working in cooperation with international agencies and non-governmental organizations of the remapping, clearance and destruction of landmines. Furthermore, in light of article 39 of the Convention, the Committee recommends that the State party take all appropriate measures to promote the physical and psychological recovery and social reintegration of children victim of landmines and of children victim of past armed conflict.

802. With regard to the situation of children belonging to indigenous groups living in the Atlantic region (e.g. Miskitos and Ramas), the Committee remains concerned about their limited enjoyment of all the rights enshrined in the Convention, in particular their access to health and education. In light of article 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous groups and to guarantee that they enjoy all the rights recognized in the Convention on the Rights of the Child, with special emphasis on their access to health and education.

803. While welcoming the measures taken for the eradication of child labour, in line with its recommendation (see CRC/C/15/Add.36, para. 40), the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation, especially in the informal sector and in domestic settings. In light of articles 3 and 32 and other related articles of the Convention, the

Committee recommends that the State party continue working in cooperation with ILO/IPEC for the full implementation of the national plan for the elimination of child labour and undertake all the actions envisaged within its memorandum of understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector including domestic labour, where the majority of working children are found, deserves special attention. Furthermore, the Committee recommends that labour legislation regulating the work of children should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation.

804. With regard to the issue of children living and/or working on the streets, the Committee welcomes the establishment of the "Plan of Action to Rescue Street Children" which aims at the social reintegration of this group of children. The Committee recommends to the State party to continue working in cooperation with non-governmental organizations in this area and continue adopting appropriate programmes and policies for the protection and rehabilitation of these children.

805. While the Committee notes with appreciation the commitments made by the State party at the seminar, held in Montevideo (on 18 and 19 March 1999) on the issue of the commercial sexual exploitation of children, it expresses concern at the absence of data and a situation analysis on this issue as well as the lack of a national plan of action to tackle this problem. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a study on the issue of commercial sexual exploitation of children with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and eradicate this phenomenon, to reinforce its legislation, including punishment of perpetrators, and to conduct awareness-raising campaigns on the issue. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

806. While the Committee is aware that the full implementation of the new juvenile justice system requires substantial financial and human resources as well as the development of infrastructure, as established in the document entitled "Transformation and investment in the human rights of children and adolescents" (May 1999), it remains concerned that the juvenile justice system is not fully implemented. Concern is also expressed about the poor conditions in prisons and detention centres for juveniles; the lack of correctional centres for the rehabilitation of children in conflict with the law; that access to justice is not guaranteed in a prompt manner for children in detention; and that due process is not always guaranteed. Concern is further expressed at the aggravated penal penalties regarding "property offences" committed by children. In light of article 37, 40 and 39 of the Convention and other relevant United Nations standards in this field, the Committee recommends that the State party effectively implement its juvenile justice system. The Committee encourages and supports the State party's initiatives for the procurement of international cooperation in this regard. The Committee recommends that the State party give particular attention to ensuring the improvement of the conditions of children living in prisons and detention centres, to developing correctional centres for the rehabilitation of children in conflict with the law, to ensuring that violence is not used by law enforcement officials, to ensuring that deprivation of liberty is used only as a measure of last resort, to guaranteeing prompt access to justice for children in pre-trial detention, and to developing

alternative measures to deprivation of liberty. Furthermore, the Committee recommends that the State party consider reviewing its penal policies concerning "property offences" committed by children, and establish alternative measures to address the needs of children involved in this type of offence.

807. The Committee welcomes the State party's willingness to engage in a technical cooperation programme with the Office of the High Commissioner for Human Rights for the provision of training in human rights standards, including children's rights for the police. In this connection, the Committee recommends that the State party continue providing training programmes on the relevant international standards for judges and all professionals and staff involved with the juvenile justice system. In this regard, the Committee further suggests that the State party consider seeking additional technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

808. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

23. Concluding observations: Venezuela

809. The Committee considered the initial report of Venezuela (CRC/C/3/Add.54) and its supplementary report (CRC/C/3/Add.59) at its 560th and 561st meetings (see CRC/C/SR.560-561), held on 21 September 1999, and at the 586th meeting, held on 8 October 1999 adopted the following concluding observations.

(a) Introduction

810. The Committee welcomes the submission of the State party's initial report, which included concrete information on the situation of children, but regrets the late submission of the written answers to the list of issues (CRC/C/Q/VEN/1). The Committee also regrets that the high-level delegation from the State party's capital, directly involved in the implementation of the Convention, was at the last minute not able to participate in the dialogue. This unforeseen and unfortunate situation had a negative impact on the dialogue with the State party's delegation. Many questions posed to the State party's delegation had to be transmitted to the State party's capital for a written reply. The Committee notes with appreciation that the replies to these questions were submitted on the agreed deadline, allowing the Committee to make a good assessment of the situation of children's rights in Venezuela.

(b) Positive aspects

811. The Committee welcomes the adoption of the Organic Law for the Protection of Children and Adolescents (1999), which reflects the principles and provisions of the Convention. The Committee takes note that this legislation will enter into force in April 2000.

812. The implementation of several programmes for children, in the context of the Agenda Venezuela and of the development programme "Bolivar 2000", as well as the creation of the Fondo Unico Social (Social Development Fund), which include poverty alleviation measures, are welcomed by the Committee.

813. The Committee welcomes the existence of a partnership between the authorities of the State party and non-governmental organizations (NGOs) working for and with children.

814. The State party's accession to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption is also welcomed by the Committee.

815. The Committee welcomes the ratification by the State party of International Labour Organization (ILO) Convention No. 138 concerning minimum age for admission to employment as well as the signing (in 1996) of a memorandum of understanding with ILO/IPEC for the eradication of child labour.

(c) Factors and difficulties impeding progress in the implementation of the Convention

816. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. The Committee also notes that this situation has been particularly aggravated by severe economic crises and drastic economic reforms.

817. The Committee acknowledges that the State party is going through an important process of political, social and economic transformation, which is a positive fact, but the Committee is concerned that this transformation might result in a considerable slowing down of the efforts to implement the Convention fully.

(d) Principal subjects of concern and the Committee's recommendations

(i) General measures of implementation

818. The Committee notes with appreciation the information provided by the State party's delegation that the National Constituent Assembly, in charge of drafting the text of the new national Constitution, is considering introducing a chapter on human rights, including a section on the rights of the child. The Committee encourages the State party to continue in its efforts to introduce the promotion and protection of human rights, including of the rights of the child, in its new Constitution.

819. With regard to the entry into force of the Organic Law for the Protection of Children and Adolescents (Ley Organica para la Protección de Niños y Adolescentes), while noting the measures taken by the State party in preparation for the implementation of this law, the Committee remains concerned about the lack of a comprehensive plan, including the required financial and human resources, and the administrative reform necessary for the full implementation of this legislation. In this regard, the Committee recommends that the State party give priority to the process of implementation of the new Organic Law for the Protection of Children and Adolescents. The Committee further recommends that the State party take effective measures, including the allocation of sufficient levels of resources, both financial and human, for the full implementation of this legislation.

820. Taking into account the current process of institutional reform and taking note that the new Organic Law for the Protection of Children and Adolescents provides for the creation of the National System for the Protection and Integral Development of Children and Adolescents, the Committee remains concerned about the inadequate levels of coordination and monitoring to guarantee the implementation of the Convention. The Committee recommends that the State party take effective measures in order to strengthen coordination among the various governmental bodies at the federal, State and municipal levels involved in the implementation of the Convention. In this regard, the Committee recommends that the State party take effective measures to ensure the establishment of the National System for the Protection of Children and Adolescents. Furthermore, the Committee recommends that the State party guarantee the participation of non-governmental organizations in the new coordination mechanism to be established.

821. The Committee welcomes the efforts undertaken by the State party, in particular by the National Children's Institute (INAM) and the Central Office of Statistics (OCEI), in cooperation with UNICEF and non-governmental organizations, to develop indicators for monitoring the implementation of policies and programmes for children, but it remains concerned that disaggregated data and indicators have not been developed for all areas covered by the Convention. The Committee recommends that the State party continue developing a comprehensive system for the collection of disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age, including children belonging to vulnerable groups, in the various areas covered by the Convention.

822. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that these measures need to be strengthened, especially to facilitate the entry into force of the Organic Law for the Protection of Children and Adolescents. The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike. Special attention should be paid to increasing awareness of the Convention and to its relationship with the new Organic Law for the Protection of Children and Adolescents.

823. Although the Committee takes note of the efforts of the State party to carry out sensitization programmes on the Convention for local authorities, it considers that training programmes for professional groups working with and for children need to be further developed. The Committee recommends that the State party reinforce its sensitization and training programmes for all professional groups working with and for children, such as judges, lawyers,

law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

824. While the Committee welcomes the establishment of several social programmes for children, it remains concerned that policies for children are fragmented and that a comprehensive national strategy for the implementation of children's rights is lacking. The Committee recommends that the State party give priority to the full implementation of article 4 of the Convention and ensure the appropriate distribution of resources at the central and local levels. Budget allocations for the implementation of the economic, social and cultural rights of children should be ensured "to the maximum extent of available ... resources and, where needed, within the framework of international cooperation" (art. 4 of the Convention). The Committee also recommends that the State party take effective measures for the full implementation of a national policy on the rights of the child, with due regard for the holistic nature of the Convention.

(ii) Definition of the child

825. The Committee is concerned about the different legal minimum ages for marriage for boys (16) and girls (14), as established in the State party's Civil Code. The Committee considers that this is contrary to the principles and provisions of the Convention, especially its articles 2 and 3. The Committee recommends that the State party harmonize and increase the legal minimum legal ages for marriage. It further recommends that the State party undertake awareness raising campaigns on the negative effects of early marriage.

(iii) General principles

826. While the Committee is aware of the measures taken by the State party to improve the situation of the most vulnerable groups of children, it is still concerned at the existence of discrimination on the basis of ethnic origin and gender. Additionally, the Committee expresses its concern at the growing number of population living in poor urban and marginalized areas. The Committee recommends that the State Party continue taking effective measures to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.

827. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied and duly integrated in the implementation of the policies and programmes of the State party. The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in

general. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

828. With regard to article 6 of the Convention, the Committee expresses its concern about the alleged cases of killings of children during anti-crime operations. The Committee recommends that the State party undertake effective measures to prevent these type of situations and, in order to avoid impunity of the alleged perpetrators, use its judicial mechanisms effectively to investigate these killings.

(iv) Civil rights and freedoms

829. The Committee welcomes the measures taken by the State party in the area of birth registration, especially those recently implemented in the framework of the National Plan on Birth Registration, but it remains concerned at the large number of children without birth certificates and at the related impact on the enjoyment of their rights. Particular concern is expressed in this area with regard to the situation of children belonging to indigenous groups and to illegal immigrant families. In the light of article 7 of the Convention, the Committee recommends that the State Party continue its efforts to ensure the immediate registration of the birth of all children, including measures in cooperation with non-governmental organizations and with the support of international organizations, to ensure that birth registration procedures are widely known and understood by the population at large. In this regard, the situation of children belonging to indigenous groups and to illegal immigrant families deserves special attention.

830. With regard to the State party's initiatives to promote children's participatory rights, such as the Children and Youth Parliaments and school governments, the Committee is concerned about the insufficiency of these measures and the lack of follow-up and evaluation of the current initiatives. The Committee recommends that these measures should be strengthened to promote the participation of children in the family, in the community, in school and in other social institutions, as well as to ensure the effective enjoyment by them of their fundamental freedoms, including freedom of opinion, expression and association.

831. The Committee expresses its concern at the persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces. In the light of article 37 and other related articles of the Convention, the Committee recommends that the State party use its judicial mechanisms effectively to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence and abuse against children be duly investigated in order to avoid the impunity of perpetrators.

(v) Family environment and alternative care

832. The Committee welcomes the measures taken to eliminate irregularities in the procedures concerning adoption (e.g., direct placement of children, known as entrega inmediata), but it remains concerned that the State party has not reformed its domestic legislation relating to intercountry adoption in accordance with the obligations established under the Hague

Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. The Committee recommends that the State party enact specific legislation regulating the process of intercountry adoption to make it comply with the international obligations established in the Hague Convention of 1993 on the Protection of Children and Co-operation in respect of Intercountry Adoption. Furthermore, the Committee suggests that the State party consider withdrawing its declarations made under article 21 (b) and (d) of the Convention, in view of the fact that these declarations have become irrelevant as a result of the State party's accession to the above-mentioned Hague Convention.

833. The Committee is concerned that child abuse and neglect are reported to be widespread in the State party. In this regard, concern is expressed at the insufficient awareness of the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family; at the insufficient financial and trained human resources allocated to prevent abuse and neglect, and at the insufficient rehabilitation measures and facilities available for victims. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking all appropriate measures to prevent and combat child abuse and neglect of children within the family, at school and in society at large, including setting up multidisciplinary treatment and rehabilitation programmes. It suggests that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice, in order to avoid impunity of the offenders. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

(vi) Basic health and welfare

834. While taking note of the State party's achievements in the area of basic health and welfare, the Committee is concerned at the negative impact of the declining economic situation on the health of children, in particular the deterioration of infant and under five mortality rates, as well as at the prevalence of malnutrition among children. The Committee recommends that the State party continue taking all appropriate measures, including through international cooperation, to ensure access to basic health care and services for all children. More concerted efforts need to be taken to combat malnutrition and ensure the adoption and implementation of a national nutritional policy and action plan for children. The Committee also recommends that the State party undertake initiatives relating to the reduction of infant mortality, for instance the "Integrated management of childhood illnesses" (IMCI), a joint programme of WHO and UNICEF.

835. While welcoming the State party's initiatives in the field of adolescent health, in particular the National Plan for the Prevention of Early Pregnancy, the Committee expresses its concern at the still high teenage maternal mortality and pregnancy rates, at the insufficient access by teenagers to reproductive health education and counselling services, including outside school, and at the increasing incidence of HIV/AIDS, STDs and drug and substance abuse (e.g., glue-sniffing) among children and adolescents. The Committee suggests that a comprehensive and multidisciplinary study be undertaken of the scope of the phenomenon of adolescent health problems, especially with regard to early pregnancy and maternal mortality. The Committee

recommends that the State party adopt comprehensive adolescent health policies and strengthen reproductive health education and counselling services. The Committee further recommends the State party continue taking measures for the prevention of HIV/AIDS and take into consideration the Committee's recommendations adopted on its day of general discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts, both financial and human, be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to combat and prevent substance abuse among children should be strengthened.

(vii) Education, leisure and cultural activities

836. The Committee welcomes the State party's efforts in the field of education, in particular the inclusion of human rights teaching, including children's rights, in the school curricula, but it remains concerned about the high drop-out and repetition rates in primary and secondary schools, regional disparities in access to education, the insufficient number of well-trained teaching staff and children's limited access to material and textbooks. In the light of articles 28 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to improve school infrastructure; to continue with curricular reform, including teaching methodologies; to eradicate regional disparities with reference to school enrolment and attendance; and to implement special education programmes, taking into account the needs of working children.

(viii) Special protection measures

837. The Committee remains concerned about the lack of specific legal provisions for the protection of unaccompanied refugee and asylum seeking children. This is a concern owing to the increasing number of refugees in the State party. The Committee recommends that the State party enact legislation that reflects international standards for the protection of refugee children. The Committee suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

838. The Committee is aware of the measures taken by the State party, in particular by the Direction of Indigenous Affairs of the Ministry of Education, but it remains concerned about the living conditions of children belonging to indigenous and ethnic groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

839. The Committee remains concerned that a large number of children are still involved in labour activities, particularly in the informal sector, including domestic workers, and in the family context. Concern is also expressed about the insufficient law enforcement and lack of adequate monitoring mechanisms to address this situation. In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the

elimination of child labour and undertake all the actions envisaged in the Memorandum of Understanding with ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. The Committee also recommends that child labour laws be enforced, that labour inspectorates be strengthened, and that penalties be imposed in cases of violation. The Committee encourages the State party to consider ratifying the new ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

840. The Committee expresses its concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation and sexual abuse of children, at the lack of a national plan of action to address this issue and at the inadequacy of the State party's legislation to deal with it. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

841. While the Committee notes the information submitted by the State party on the trafficking and sale of Ecuadorean children and welcomes the measures undertaken by the State party's authorities to combat this phenomenon, the Committee is of the opinion that measures in this regard need to be strengthened. The Committee recommends that measures be taken, on an urgent basis, to strengthen law enforcement and to implement the State party's national programme of prevention. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of regional agreements with neighbouring countries. Rehabilitation measures for the child victims of trafficking and sale should be established.

842. With regard to the juvenile justice system, the Committee is concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The fact that deprivation of liberty is not used as a measure of last resort;

(c) The situation of overcrowding in detention facilities;

(d) The placement of minors in adult detention facilities; and

(e) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

843. The Committee recommends that the State party:

(a) Take additional measures to reform the juvenile justice system in accordance with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the juvenile justice system;

(d) Seek technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

844. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publication of the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

24. Concluding observations: Russian Federation

845. The Committee considered the second periodic report of the Russian Federation (CRC/C/65/Add.5) at its 564th and 565th meetings (see CRC/C/SR.564-565), held on 23 September 1999, and adopted the following concluding observations.

(a) Introduction

846. The Committee welcomes the submission of the State party's second periodic report and takes note of the detailed written answers to the list of issues (CRC/C/Q/RUS/2) submitted by the State party. The Committee notes with appreciation the high-ranking composition of the State party delegation which appeared before the Committee, the delegation's frankness in discussion and the constructive efforts made to provide additional information in the course of the dialogue.

(b) Follow-up measures undertaken and progress achieved by the State party

847. The Committee takes note of the efforts made by the State party to strengthen the legislative base for the protection of the rights of the child in the Russian Federation, including amendments to the Family Code, Criminal and Penal Codes and the Education Act, and the adoption of the 1999 Federal Prevention of Child Neglect and Juvenile Crime Act and the 1998 Federal Law on the Basic Guarantees of the Rights of the Child.

848. The Committee welcomes the institution of the Human Rights Commissioner in 1997, the establishment of the intersectoral committee and the appointment of child rights commissioners in five regions and cities. The Committee notes with satisfaction the commitment expressed by the State party delegation to the establishment of an Office of Federal Commissioner for Child Rights, following the recommendations of the Human Rights Commissioner, members of the State Duma and national NGOs.

(c) Principal subjects of concern, suggestions and recommendations

(i) General measures of implementation

a. Legislation

849. While the Committee takes note of the many laws that have been adopted and amended in recent years, it remains concerned that the State party has not fully complied with the recommendations made by the Committee in 1993 to ensure that domestic legislation is in full conformity with the principles and provisions of the Convention.

850. The Committee recommends that the State party take all appropriate measures to expedite the process of law reform, especially with regard to reforms improving upon the administration of juvenile justice and the criminal justice procedure, the protection of the rights of children with disabilities, the protection of children from alcohol, drug and substance abuse, the protection of children from pornography, the protection of children from all kinds of violence and abuse, including domestic violence, and the establishment of standards and monitoring mechanisms with regard to all the different child-related kinds of institutions.

851. The Committee encourages the State party to complete the process of adopting the necessary resolutions and directives, and to allocate the professional manpower and financial resources required for the effective implementation of all child-related legislation.

b. Independent monitoring structures

852. While the Committee welcomes the institution in 1997 of the Human Rights Commissioner and of pilot projects for child rights commissioners in a few regions, it is still concerned at the limited powers and status of these bodies and the crucial need for the State party to provide for an independent monitoring structure to review implementation of the Convention within the State party.

853. The Committee recommends that the State party consider the establishment of an independent Ombudsman for children at the federal level, with clear links to similar mechanisms at regional levels, each with a clearly defined and appropriate mandate, including the monitoring of care and juvenile justice structures, and powers and resources sufficient to guarantee effectiveness.

c. Coordination

854. While the Committee acknowledges the State party's efforts to set up a coordinating committee to implement the Convention on the Rights of the Child, it remains concerned at the lack of adequate coordination between various federal government entities dealing with children and at the absence of any focal point with overall responsibility for child rights strategies, policies and activities within the State party. Further, the Committee is concerned that the decentralization of responsibilities and actions from the federal authorities to their regional counterparts lacks sufficient guarantees to prevent disparities in the protection of children's rights.

855. The Committee encourages the State party to strengthen coordination between the various government bodies involved in child rights at both federal and regional levels, and to consider unifying the different agencies under one focal ministry in order to promote better coordination. The Committee further encourages the State party to ensure that the division of responsibilities between federal and regional authorities provides for the best possible protection of children's rights.

d. Budgetary issues/financial situation/State benefit distribution/funding

856. The Committee is concerned that the prolonged financial crisis has had a negative impact on the development of children, leading to a worsening of their living conditions, as well as on the implementation of social investment programmes and, ultimately, on respect for the rights of the child. In particular, the Committee is seriously concerned at the widespread poverty, the weakening of the family structure, the increasing numbers of neglected and homeless children and children living and working in the street, the high numbers of suicides, the extent of drug and alcohol abuse and increases in juvenile delinquency.

857. The Committee recognizes the State party's efforts to temporarily "target" existing assistance to families with the lowest incomes, however, the Committee is particularly concerned that those families and children who will not receive assistance during this interim period will suffer. The Committee is also concerned at non-, or delayed, payment of State benefits, in particular child allowances.

858. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that the State party undertake all appropriate measures to the maximum extent of its available resources to ensure that budgetary allocations for health, education and other social services for children are adequately protected, in particular for children belonging to vulnerable and marginalized groups.

859. Furthermore, the Committee encourages the State party to seek additional solutions to budgetary problems, such as retargeting expenditure or prioritizing programmes and increasing the proportion of international assistance used to further the State party's implementation of the Convention on the Rights of the Child.

860. The Committee urges the State party to ensure that all benefit payments are made, that the use of targeted benefits is monitored and that the presidential programmes included in "Children in Russia" all be appropriately funded.

861. The Committee further recommends that the State party review its budgetary allocation policies so as to maximize the available resources allocated to the protection of the most vulnerable groups, and continue to implement the Committee's 1993 recommendation regarding careful monitoring of the impact of the economic crisis on the standard of living of children.

e. Involvement of NGOs

862. The Committee is concerned at the limited implementation of its 1993 recommendation concerning the need to support the involvement of NGOs in the implementation of the Convention.

863. The Committee encourages the State party to increase its support for, and cooperation with, NGOs in their efforts to provide training, disseminate information about the Convention and to monitor implementation, including through strengthening partnership in the reporting process and in the monitoring of care and juvenile justice institutions.

f. Dissemination of the principles and purposes of the Convention

864. The Committee is concerned that the State party's efforts still need to be increased in connection with the Committee's 1993 encouragement to continue dissemination of the principles and provisions of the Convention.

865. The Committee recommends that the State party take further measures to publicize and teach the principles and provisions of the Convention among the adult population, including professional groups and parents, as well as among children.

(ii) General principles

a. Principle of non-discrimination

866. While the Committee welcomes the State party's adoption of legislation banning discrimination, it remains concerned at the growing disparities between regions, including notably the far north, and between urban and rural children, in legislation, budgetary allocations, policies and programmes concerning health, education and other social services and with the situation of children in need of special protection.

867. The Committee is also concerned at the disadvantaged situation of girls in rural areas, particularly with regard to access to education, health and protection from sexual abuse and exploitation.

868. Furthermore, the Committee is concerned at general reports of a growth in the incidence of racism and xenophobia in the State party.

869. The Committee recommends that the State party intensify measures to reduce economic, social and regional disparities, and take further steps, along the line of the Committee's 1993 recommendation, to prevent any discrimination against children or disparities in their treatment, including with regard to children with disabilities and children belonging to religious and ethnic minorities.

b. The right to life

870. In the light of article 6 of the Convention, the Committee is concerned at the threat posed to the child's right to life by the rapidly increasing rates of child suicide and killings of children, in particular concerning boys.

871. The Committee recommends that the State party take all appropriate measures with a view to bringing about a reversal in recent increases in child suicide and killing, and to promoting preventive efforts, including a strengthening of measures already taken to increase crisis intervention and preventive support and counselling services to assist children, especially adolescents, and families at risk.

(iii) Civil rights and freedoms

a. Protection from torture

872. The Committee is concerned at allegations of widespread practice of torture and ill-treatment, and conditions amounting to inhuman or degrading treatment, of children living in institutions in general and in places of detention or imprisonment in particular - including acts committed by law enforcement officials involving corporal punishment.

873. The Committee recommends that the State party take appropriate measures to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts. The Committee also endorses the implementation of the recommendations made by the Committee against Torture and the Special Rapporteur on torture with regard to these concerns.

874. Further, the Committee recommends that the State party monitor and bring to an end corporal punishment practices in institutions.

(iv) Family environment and alternative care

a. Abuse/neglect/maltreatment/violence

875. While the Committee welcomes the growing awareness by the State party of the dangers of domestic violence, the Committee remains concerned at the persistent ill-treatment and neglect of children in the State party in the context of the family. The Committee is also concerned at the widespread incidence of violence against women and its impact on children.

876. The Committee recommends that the State party give special attention to the problem of ill-treatment, neglect and abuse, including sexual abuse, of children both within and outside the family.

877. The Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence against children, in accordance with article 19 of the Convention.

878. The Committee also suggests that comprehensive studies on these problems be initiated in order to facilitate the elaboration of policies and programmes, including treatment and rehabilitation programmes.

879. Further, in the light of the Committee's recommendation contained in paragraph 21 of its 1993 concluding observations (CRC/C/15/Add.4) the Committee encourages the State party to promote child-friendly procedures for complaint, investigation and presentation of evidence for child victims of violence and abuse, and to reinforce the investigation of crimes committed, and the prosecution and appropriate punishment of perpetrators.

b. Review of placement of children

880. The Committee expresses serious concern at prevailing policies and practices of institutionalization and at the extremely high number of children in institutions and the living conditions in these institutions. With reference to article 25 of the Convention, the Committee is also concerned that periodic review of placement is not systematically guaranteed, and that the Committee's 1993 recommendations in this regard have not been fully implemented.

881. The Committee refers to paragraph 19 of its 1993 concluding observations (CRC/C/15/Add.4) and recommends that the State party seek to formulate national policy on de-institutionalization, increase the use of alternative measures to the institutionalization of children and consider measures to strengthen community oriented social services.

882. In this perspective, the Committee encourages the State party to take effective measures to provide families where children may be at risk of neglect or abuse with support, education and counselling services, so as to prevent the occurrence of abuse and the need to remove children from parental care. The Committee also recommends the strengthening of adoption and foster care as alternatives to institutionalization.

883. The Committee also recommends that appropriate procedures be adopted to provide for the periodic review of all types of placement. In the light of article 3, paragraph 3, of the Convention, the Committee further recommends the reform, including legal reform, of the institutional system by the establishment of standards for conditions in institutions and their regular inspection, in particular by reinforcing the role and powers of independent inspection mechanisms and ensuring their right to inspect foster homes and public institutions without warning. In this regard, the Committee urges the State party to seek technical assistance, inter alia from the United Nations Children's Fund (UNICEF) and the World Health Organization.

c. Children with disabilities

884. The Committee is concerned at the situation of children with disabilities, especially children with mental disabilities and children living in institutions. In particular, the Committee is concerned at the current diagnostic system and practices, at conditions for disabled children living in institutions, at the lack of adequate professional assistance for the development, treatment and rehabilitation of children with disabilities and at the slow process of inclusion of children with disabilities in mainstream education.

885. The Committee encourages the State party to pursue its efforts to improve the early diagnosis of children with physical and mental disabilities and to prevent as far as possible their being placed in institutions. It recommends the strengthening of professional treatment services and the support and counselling provided to families in order to enable children to live at home and to promote their social inclusion.

886. The Committee encourages the State party to strengthen its efforts to benefit from international cooperation, in accordance with article 23, paragraph 4, of the Convention, with a view to enhancing policies on integrating children with disabilities into society.

d. Intercountry adoption

887. The Committee is concerned at the insufficient guarantees against the illicit transfer and the trafficking of children out of the State party and the potential misuse of intercountry adoption for purposes of trafficking, inter alia for economic and sexual exploitation.

888. The Committee encourages the State party actively to consider ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Committee welcomes the information that the State party is considering ratification of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption and urges the State party to expedite its efforts to accede to the Convention. In the light of article 21 of the Convention, the Committee recommends that efforts be strengthened to establish procedures regarding intercountry adoption with a view to protecting the best interests of the child.

(v) Basic health and welfare - Right to health

889 The Committee notes with appreciation the efforts undertaken by the State party in the area of basic health and welfare, especially its efforts to improve maternal health care and reduce infant mortality rates. It also welcomes the success achieved in complying with the Committee's 1993 recommendation in regard to immunization programmes. The Committee is still concerned at the persistence of a high infant mortality rate and at the deteriorating health infrastructure and services. Furthermore, the increase in parasitic, infectious and respiratory illnesses (tuberculosis in particular) is an issue of great concern to the Committee, as is also the increase in malnutrition and the small percentage of children who are breastfed.

890 The Committee recommends that the State party consider seeking technical assistance to continue its efforts to reverse the deterioration in primary health care. In particular, the Committee urges the State party to continue efforts to cure and prevent the spread of tuberculosis and other diseases, to continue efforts to reduce the use of abortion as a means of contraception, and to promote breastfeeding.

891 The insufficient information on preventive campaigns and rates of HIV/AIDS and sexually transmitted diseases (STDs) is a matter of concern to the Committee.

892 The Committee recommends that the State Party guarantee the effectiveness of measures taken to ensure access for adolescents to sex education, including information about contraception and STDs, measures to promote adolescent health by strengthening reproductive health and family planning services, as well as counselling services, and measures to prevent and combat HIV/AIDS, STDs and teenage pregnancy and abortions.

(vi) Educational, leisure and cultural activities

a. Right to education

893 The Committee notes the State party's efforts on education, especially the adoption of a new Education Act, which is aimed at ensuring the continued provision of free and compulsory basic education and increasing the accessibility of free secondary education. In this regard, the Committee remains concerned at the growing drop-out rates, the reduction in enrolment rates for vocational and technical secondary education - especially among girls - and the deterioration of school infrastructure and of the conditions of service for teachers, including low wages and delays in payment.

894 The Committee encourages the State party to collect information on drop-out rates and their causes, and on the situation of children expelled for disciplinary reasons. It also encourages the State party to continue its efforts to shelter the education system from the impact of the economic crisis and, in particular, to give further attention to the conditions of service of teachers. The Committee encourages the State party to introduce human rights, including children's rights, into the school curricula as an independent subject.

b. Access to medical and other social services

895 The Committee is concerned at reports that some municipal administrations are continuing to prevent parents and their children from having access to medical, educational and other social services in a city for which they do not have a residency permit, notwithstanding this practice being prohibited by law. Its practice is particularly harmful to internally displaced children, migrants and asylum-seekers, and children working and living in the street.

896 The Committee urges the State party to end this practice of discrimination against children without residence permits through, inter alia, training and awareness raising for local government and law-enforcement officials.

(vii) Special protection measures

a. Refugee children

897 The Committee is concerned at the treatment of asylum-seekers and at the practice of refusing children and their families, in particular those not arriving from former territories of the Soviet Union, the right to register their application for asylum.

898 The Committee encourages the State party to ensure adequate legal protection of refugee children, including access to health, education and other social services.

899 The Committee recommends that a review be undertaken of procedures, policies and practices concerning the right to register applications for asylum, especially on behalf of unaccompanied children.

b. Children and armed conflict, and their recovery

900 The Committee is concerned at the lack of respect for the rights of children in areas of ongoing armed conflict within the State party, such as in Chechnya and Dagestan. The Committee is concerned, especially, at the involvement of children in armed conflict, at violations of provisions of international humanitarian law and at the number and situation of internally displaced children. The Committee is also concerned at the application, by courts in Chechnya, of the death penalty and certain corporal punishments, including mutilation, when sentencing children. In addition, the Committee is concerned at reports of alleged summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children in the region.

901 The Committee encourages the State party to ensure that children and other civilians are protected during periods of conflict and that support and rehabilitative assistance, including psychological aid, is made available to internally displaced children and children living in regions of armed conflict.

c Child labour

902 The Committee remains concerned that child labour and economic exploitation are a growing problem affecting children in the State party. Additionally, the Committee is concerned at the high number of children working and/or living in the street who require special attention because of their increased vulnerability to involvement in juvenile crime, alcohol and substance abuse and sexual exploitation - including through criminal organizations.

903 The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws, in particular in the "informal" sector, to protect children from being economically and sexually exploited, including through prostitution. The Committee recommends that the State party undertake research on the issue of children living and/or working in the street with a view to improving policies, practices and programmes concerning these children.

904 Finally, the Committee recommends that the State party consider seeking technical assistance from the ILO-IPEC when developing a comprehensive policy to prevent and combat the growing problem of child labour, that the State party strengthen its efforts to implement the provisions of ILO Convention (No. 138) concerning the Minimum Age for Admission to Employment (1973) and that the State party consider ratifying ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

d Drug abuse and other forms of substance abuse

905 The Committee is concerned at the growing problem of alcohol, drug and other substance abuse among children and their families.

906 The Committee recommends that the State party undertake additional efforts to prevent the abuse of alcohol by children and their involvement in the distribution and consumption of drugs. The Committee also recommends that further measures be undertaken to provide adequate treatment, rehabilitation and support services to children and their families involved in alcohol, drug and substance abuse.

e Sexual exploitation and abuse

907 The insufficient legislation, policies and programmes to protect children from commercial sexual exploitation, abuse and pornography is a matter of concern to the Committee.

908 Further to the recommendation contained in paragraph 24 of its 1993 concluding observations (CRC/C/15/Add.4), the Committee recommends that the State party undertake a comprehensive study on commercial sexual exploitation and abuse and the use of children in pornography. The Committee also recommends that additional legislative measures be undertaken and that services be expanded in order to enhance the protection of children from sexual exploitation and abuse, and to ensure the treatment and rehabilitation of child victims.

The Committee further encourages the State party, in its efforts to address commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.

f. Children of minorities or of indigenous peoples

909. While the Committee notes the 1996 Federal National Cultural Autonomy Act and programmes designed to provide support to minorities, the Committee remains concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services. The Committee is also concerned at the growing incidence of societal discrimination against children belonging to ethnic minorities.

910. The Committee recommends that the State party take all necessary measures to protect minority children from discrimination and to guarantee their full access to educational, health and other social services.

g. Administration of juvenile justice

911. The area of juvenile justice is a matter of persistent and serious concern to the Committee, in particular regarding the insufficient implementation by the State party of the Committee's 1993 recommendation on the need to set up a system of juvenile justice, including the adoption of a law on juvenile justice and the establishment of juvenile courts.

912. The Committee expresses its concern over reports of police brutality and torture committed against detained juveniles during the investigation of their alleged acts, and its concern over the extended periods of pre-trial detention of juvenile detainees at the discretion of the Procurator. The Committee is also seriously concerned at the treatment of juvenile offenders living in educational colonies, places of pre-trial detention or in special educational establishments, and at the poor conditions of detention and in prisons in general.

913. In the light of the Committee's recommendations contained in paragraphs 22 and 23 of its 1993 concluding observations (CRC/C/15/Add.4), articles 37, 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party take particular measures to implement, as soon as possible, the planned reform of the system of juvenile justice, including the adoption of comprehensive legislation on juvenile justice, the introduction of special juvenile courts with trained juvenile judges and the revision of the Code of Criminal Procedure, so as to transfer the power to order the arrest of juveniles from the Procurator to the juvenile courts, to limit the term of pre-trial detention and to expedite court procedures and the training of law enforcement and judicial officials in child rights and the rehabilitative aims of juvenile justice, as provided for by the Convention on the Rights of the Child.

914. The Committee strongly urges the State party to use the deprivation of liberty only as a measure of "last resort" in dispensing juvenile justice, as required by the Convention. To this end, the Committee urges the State party to make wider use of alternatives to deprivation of liberty, to make the necessary resources available for administering such alternatives and to restructure juvenile reform institutions with a view to enhancing the rehabilitation of juvenile delinquents.

915. The Committee also urges the State party to take immediate measures to protect the rights of children deprived of their liberty, by providing legal assistance to children and by improving conditions in places of detention, including pre-trial detention centres and educational colonies. Further, the Committee recommends the establishment of an appropriate and independent child-friendly complaint mechanism in cooperation with NGOs, the timely addressing of rights violations observed and programmes to assist in the rehabilitation and reinsertion into society of juveniles following their release from detention.

916. The Committee recommends that the State party consider seeking international cooperation and technical assistance with regard to juvenile justice from, inter alia, the United Nations Centre for International Crime Prevention, the Office of the High Commissioner for Human Rights, UNICEF and the International Network on Juvenile Justice through the United Nations Coordination Panel on Juvenile Justice.

h. Dissemination of reports

917. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and the concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

25. Concluding observations: Vanuatu

918. The Committee considered the initial report of Vanuatu (CRC/C/28/Add.8) at its 566th to 567th meetings (CRC/C/SR.566-567), held on 24 September 1999, and adopted the following concluding observations.

(a) Introduction

919. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/VAN/1). The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a representative directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

920. The Committee appreciates the State party's initiative of establishing an Ombudsman Office mandated to handle complaints by children whose rights have been violated. In this connection, the Committee notes the efforts of the Ombudsman to facilitate the ban on the use of corporal punishment in schools and to promote greater awareness among the police of the principles and provisions of the Convention.

921. The Committee notes that the Convention has been made available in English and French and that it has been translated by the State party into Bislama.

922. The Committee takes note of the efforts made by the State party in the area of primary health-care services, which have improved the chances of survival and development for children.

(c) Factors and difficulties impeding the implementation of the Convention

923. The Committee acknowledges that the socio-economic, geographic and political difficulties facing the State party have impeded the full implementation of the Convention. In particular it notes the challenges faced by the State party in implementing adequate programmes and services for children in its dispersed island communities, some of which are isolated and very difficult to reach. The Committee acknowledges the vulnerability of the State party with respect to natural disasters such as cyclones, typhoons, tidal waves and flooding, and the challenges faced in this regard. The Committee further notes that the limited availability of human resources has also adversely affected the full implementation of the Convention.

(d) Subjects of concern and Committee recommendations

(i) General measures of implementation

924. The Committee expresses its concern that domestic legislation and customary law do not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its domestic legislation with a view to ensuring full conformity with the principles and provisions of the Convention. The Committee also recommends that the State party consider the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

925. While the Committee notes that the State party has elaborated a proposal to establish a Children's Office and a National Children's Committee, it remains concerned that the proposal has not yet been implemented and that the modus operandi of the agencies has not been clearly articulated. The Committee strongly recommends that the State party undertake all necessary measures to ensure that the proposal is carried out as soon as possible and that adequate funding is allocated to ensure that the Office and the Committee are effectively established.

926. The Committee notes that the State party has elaborated a National Programme of Action for Children (1993-2000) which focuses on health; population and family planning; nutrition; water supply and environmental sanitation; agriculture, livestock and fisheries; and education.

However, the Committee is concerned that a specific budget has not been allocated for the implementation of the Programme. The Committee encourages the State party to undertake all appropriate measures to implement the National Programme of Action for Children. In this connection, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and the World Health Organization (WHO).

927. The Committee is concerned at the lack of a data collection mechanism within the State party to make possible the systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the State party develop a comprehensive system of data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, child victims of abuse or ill-treatment, and children living in remote island and urban squatter communities.

928. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

929. The Committee notes the efforts of the State party in disseminating information about the Convention and recognizes the challenges faced in this regard, particularly in the light of the fact that 82 per cent of the population live in remote island communities. However, the Committee is concerned that the general population remains insufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters. Additionally, the Committee recommends the use of traditional methods of communication in promoting the principles and provisions of the Convention. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The Committee further recommends that efforts be made to sensitize civil society, including community chiefs, religious leaders, NGOs and the media, about children's rights and to facilitate their participation in the dissemination and promotion of the Convention. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system. It is suggested that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

(ii) Definition of the child

930. The Committee expresses concern regarding the low minimum age for criminal responsibility (10 years). The Committee is also concerned about the disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years). The Committee recommends that the State party review its legislation in order to bring it into full conformity with the provisions and principles of the Convention.

(iii) General principles

931. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

932. The Committee is concerned that traditional practices and attitudes still limit the full implementation of the Convention, in particular article 12. The Committee recommends that the State party seek to develop a systematic approach, with the involvement of community chiefs, religious leaders and civil society, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, in school and generally in society.

(iv) Civil rights and freedoms

933. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, in schools, care and juvenile justice systems and generally in society. The Committee recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and ensure that alternative forms of discipline are administered in families, schools, and care and other institutions, in a manner consistent with the child's dignity and in conformity with the Convention. In this connection, the Committee recommends that the State party provide counselling and other programmes for parents, teachers and professionals working in institutions to encourage their use of alternative forms of punishment. In addition, the Committee strongly recommends that all necessary measures be taken to ensure the full and effective implementation of the ban on corporal punishment in schools.

(v) Family environment and alternative care

934. The lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child sexual abuse, are matters of grave concern to the Committee. In the light of article 19, the Committee recommends that the State party undertake studies on

domestic violence, ill-treatment and abuse, including sexual abuse, to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seeks technical assistance from, inter alia, UNICEF and WHO.

(vi) Basic health and welfare

935. The Committee notes the efforts of the State party to improve the general situation of health. In particular, it notes that both the infant mortality rate and the under-five mortality rate have declined rapidly during the past decade and that immunization coverage has improved considerably. The Committee also notes that the State party has implemented a food and nutrition programme, which has resulted in a reduction in the incidence of malnutrition. The Committee is concerned, however, that the survival and development of children within the State party continue to be threatened by malaria, acute respiratory infections and diarrhoeal diseases. The Committee is also concerned about the insufficient number of trained health workers; wide discrepancies in the distribution of health professionals between communities; limited access to health services in some island communities; poor sanitation and limited access to safe drinking water, particularly in remote areas. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children and facilitate greater access to primary health services. The Committee recommends that the State party continue its efforts to reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; and prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children. The Committee also recommends that the State party undertake additional measures to increase access to safe drinking water and to improve sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation programmes with UNICEF, WHO and others to improve primary health care.

936. While noting with appreciation the activities of the Vanuatu Society of Disabled Persons regarding assistance to and rehabilitation of children with disabilities, the Committee remains concerned that insufficient efforts have been made to protect the rights of children with disabilities. The Committee recommends that the State party allocate the necessary resources for programmes and facilities for children with disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is also recommended that the State party develop early identification programmes to prevent disabilities, establish special education programmes for

children with disabilities and further encourage their integration into the educational system and their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of persons working with and for children with disabilities from, inter alia, UNICEF and the WHO.

937. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortions. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy and sexually transmitted diseases (STDs) as well as the prevalence of the use of alcohol and tobacco among youth. The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide, violence, alcohol consumption and tobacco use. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken on adolescent health problems, including the negative impact of early pregnancy and STDs. Additionally, it is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities that would be accessible, without parental consent, in the best interests of the child. The State party is urged to strengthen reproductive health education programmes for adolescents and to ensure the inclusion of men in all training programmes on reproductive health.

(vii) Education, leisure and cultural activities

938. The Committee notes the importance of the role of traditional education, particularly in remote island communities. The Committee expresses grave concern that primary education is still not compulsory and free to all children in the State party. Further, the Committee is concerned about the limited access to education, the low rate of enrolment of girls, the low literacy rate, the poor quality of education, the general lack of relevant learning material and other resources, and the insufficient numbers of trained/qualified teachers. There is a concern that efforts have not been made to introduce local languages into the education curricula. Many parents continue to see education as having a negative impact on the behaviour of children. In the light of article 28.1 (a), it is strongly recommended that the State party undertake, within two years, to elaborate, adopt and submit to the Committee a detailed plan of action for the progressive implementation, within a reasonable number of years, of compulsory education free of charge for all. The Committee further recommends that the State party undertake a study of the educational system with a view to improving access to education at all levels of the system, increasing the enrolment rate of girls, particularly at the secondary level, introducing local languages as additional tools of instruction, and improving the overall quality of education. The Committee also recommends that a public education campaign be undertaken to promote the importance of education and to influence cultural attitudes positively in this regard. It is recommended that the State party seek technical cooperation from, inter alia, UNICEF and UNESCO.

(viii) Special protection measures

939. The Committee is concerned at the insufficient data on child labour and economic exploitation of children. Given the limited access to secondary education and the resulting early employment of children, the Committee suggests that the State party undertake a survey on child labour and economic exploitation, particularly in the informal sector.

940. The Committee is concerned about the problems faced by the State party with respect to its judiciary, including the juvenile justice process. The Committee acknowledges the information provided about the traditional way in which juvenile delinquency is treated and recommends that the State party:

(a) Undertake measures to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice; and

(c) Consider seeking technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

941. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that consideration be given to publishing the report along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including non-governmental organizations.

26. Concluding observations: Mexico

942. The Committee considered the second periodic report of Mexico (CRC/C/65/Add.6) and its supplementary report (CRC/C/65/Add.16) at its 568th and 569th meetings (see CRC/C/SR.568-569), held on 27 September 1999, and adopted the following concluding observations.

(a) Introduction

943. While welcoming the submission of the State party's second periodic report, the Committee regrets that the report did not follow the guidelines for reporting. The Committee also welcomes the supplementary report as well as the wealth of information provided by the

State party's delegation in the course of its dialogue with the Committee. The Committee notes with appreciation the written replies to the list of issues (CRC/C/Q/MEX/2), while regretting their late submission. In particular, the Committee is encouraged by the statement made by the State party's delegation that the Convention is used by the State party as the guiding tool for action in the field of children's rights. The Committee is encouraged by the constructive and open dialogue it had with the State party's delegation.

(b) Follow-up measures undertaken and progress achieved by the State party

944. The establishment of initiatives such as the National Programme of Action for Children (1995-2000), the National Development Plan (1995-2000), and the Programme for Education, Health and Nutrition (PROGRESA) are regarded as positive measures in line with the Committee's recommendations (see CRC/C/15/Add.13, para. 16). In this regard, the Committee welcomes the fact that the State party, one of the six countries that convened the World Summit for Children in 1990, has undertaken measures, in conjunction with the other conveners, to hold a series of events to evaluate and follow up the commitments made by States in 1990.

945. In the light of the Committee's recommendation (CRC/C/15/Add.13, para. 19), the Committee welcomes the multiple measures undertaken by the State party, in particular by the National Commission of Human Rights (CNDH) and the National System for the Integral Development of the Family (DIF), to create awareness of the principles and provisions of the Convention. In this regard, the holding of the Children's Federal Elections (1997), an illustration of the principle of respect for the views of the child (art. 12 of the Convention), is also welcomed by the Committee.

946. The Committee welcomes the State party's accession (1999) to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Belem do Pará Convention) and the legislative reform process aimed at making domestic violence a crime in the State party's domestic legislation. The Committee considers these as positive measures to combat gender discrimination and child abuse and ill-treatment, in line with the Committee's recommendation (CRC/C/15/Add.13, para.18).

947. The Committee welcomes the State party's accession (in 1994) to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption in line with the Committee's recommendation (CRC/C/15/Add.13, para. 18). The State party's accession (in 1999) to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is also welcomed by the Committee.

948. The Committee also welcomes the implementation of the Reciprocal Programme for Obtaining Maintenance Fees (URESA/RURESA) signed between the State party and the United States of America, which has particular importance owing to the high emigration rate of Mexican nationals to that country.

949. The Committee welcomes the measures taken by the State party to prevent and combat the abuse of drugs by children and, in particular, the agreement signed between the State party, UNICEF and the United Nations Drug Control Programme (UNDCP) to work jointly to prevent and combat drug abuse by children.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

950. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party are still affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party. The Committee also notes that this situation has been particularly aggravated by severe economic crises and drastic economic reforms.

(d) Principal subjects of concern and Committee recommendations

(i) General measures of implementation

951. While noting the measures taken by the State party to implement the Committee's recommendation (CRC/C/15/Add.13, para. 15) concerning the need to harmonize domestic legislation with the Convention, in particular in relation to the process for enacting the Child Protection Code, the Committee remains concerned that current domestic legislation on children's rights, both at the federal and State levels, does still not reflect the principles and provisions of the Convention and that measures taken to harmonize domestic legislation seem somewhat fragmented and do not take into consideration the holistic approach of the Convention. The Committee reiterates its recommendation that the State party continue its process of legislative reform to ensure that domestic legislation relating to children's rights, both at the federal and State levels, is in full conformity with the principles and provisions of the Convention and reflects its holistic nature.

952. The Committee welcomes the appointment of 32 State procurators for the defence of the rights of the child and the family and takes note of the proposals to enact a general act establishing the role and powers of their offices. However, the Committee is concerned about the limited powers and resources, both financial and human, of these offices to function in an effective manner for the protection of children's rights. The Committee recommends that the State party continue its efforts, including legislative measures, to strengthen the mandate and independence, both at the federal and State levels, as well as to increase the resources, both financial and human, of the offices of the State procurators for the defence of the rights of the child and the family.

953. With regard to the Committee's recommendation (CRC/C/15/Add.13, para. 15), the Committee welcomes the measures taken by the Ministry of Health and the national System for the Integral Development of the Family (DIF) in the coordination and monitoring of the implementation of the National Plan of Action (1995-2000) and takes note of the establishment of the National System for the Follow-up and Monitoring of the Implementation of the Convention (1998). However, the Committee remains concerned that the National System is only operational in seven States of the State party's territory. In this regard, the Committee recommends that the State party continue taking effective measures to accelerate the establishment, within the framework of the National System for the Follow-up and Monitoring of the Convention, of commissions, at the federal and State levels, to guarantee the implementation of the Convention. In addition, the Committee encourages the State party to continue working in close cooperation with non-governmental organizations active in the field

of children's rights. Furthermore, the Committee recommends that non-governmental organizations be included in the design and implementation of policies and programmes carried out by the National System.

954. While taking note of the statistics on the situation of children contained in the supplementary report provided by the State party, in particular those developed for monitoring the National Plan of Action for Children (1995-2000), the Committee remains concerned about the lack of disaggregated data for all areas covered by the Convention. The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census (2000) as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age, and specifically emphasize the situation of vulnerable groups of children, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

955. With regard to the provision of training for professionals working with and for children (see Committee's recommendation, CRC/C/15/Add.13, para. 19), the Committee welcomes the efforts undertaken in this area, in particular by the National Commission of Human Rights (CNDH) and DIF. The Committee encourages the State party to continue implementing systematic education and training programmes on the provisions of the Convention for parliamentarians and all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

956. In the light of its recommendation (CRC/C/15/Add.13, para.16), the Committee welcomes the measures undertaken by the State party in designing and implementing social policies and programmes for children. Nevertheless, the Committee remains concerned that, despite the State party's measures in this area, poverty and social and regional inequalities are still affecting a large number of children and their families. The Committee reiterates its recommendation (CRC/C/15/Add.13, para. 16) that such measures should be undertaken "to the maximum extent of available resources" in the light of articles 2, 3 and 4 of the Convention. The Committee further recommends that the State Party give priority to ensuring that sufficient budgetary allocation is provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.

(ii) Definition of the child

957. The Committee expresses its concern that the minimum legal ages for marriage of boys (16) and girls (14) in most of the States of the State party are too low and that these ages are different for boys and girls. This situation is contrary to the principles and provisions of the

Convention and constitutes a form of gender-based discrimination which affects the enjoyment of all rights. The Committee recommends that the State party undertake legislative reform, both at the federal and State levels, to raise and equalize the minimum legal ages for marriage of boys and girls.

(iii) General principles

958. The Committee welcomes the information provided by the State party about the national public referendum regarding the rights of the child and takes note of the process of constitutional reform generated by this referendum; both initiatives are in line with the Committee's recommendation (CRC/C/15/Add.13, paras. 15 and 16). In this regard, the Committee encourages the State party to continue these initiatives with the aim of introducing into the Constitution the principles of non-discrimination and the best interests of the child (arts. 2 and 3 of the Convention).

959. While the Committee acknowledges the State party's measures to implement the Committee's recommendation (CRC/C/15/Add.13, para. 18) concerning the protection of the rights of the most vulnerable groups of children, in particular the measures carried out by PROGRESA, DIF, the National Indigenous Institute (INI) and CONMUJER, the Committee is of the opinion that these measures need to be reinforced. The Committee reiterates its recommendation and further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas.

960. The Committee takes note of the efforts made in the field of legislative reform to integrate the principles of "best interests of the child" (art. 3) and "respect for the views of the child" (art. 12) into domestic legislation, at both State and federal levels. Nevertheless, the Committee remains concerned that these principles are not fully implemented. The Committee recommends that further efforts be made to ensure the implementation of the principles of "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school and in other social institutions. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, and educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children who are too often regarded as the objects (Doctrina de la Situación Irregular) rather than the subjects of rights.

961. In the light of article 6 and other related provisions of the Convention, the Committee expresses its concern about the threat to the right to life of children caused by the degree of militarization in the State party and the confrontations with "irregular armed civilian groups" in parts of the State party's territory, especially in the States of Chiapas, Oaxaca, Guerrero and Veracruz. The Committee recommends that the State party take effective measures to protect children against the negative effects of these confrontations. The establishment of rehabilitation measures for child victims of these confrontations is also recommended.

(iv) Civil rights and freedoms

962. Although the State party has made significant progress in the area of birth registration, the Committee is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. The Committee recommends that the State party strengthen its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

963. With regard to the State party's initiatives to promote children's participatory rights, the Committee is of the opinion that these efforts need to be improved and strengthened. In the light of articles 12, 13, 14 and 15 of the Convention, the Committee recommends that further measures be undertaken to promote the participation of children in the family, at school and in other social institutions, as well as to guarantee their effective enjoyment of the fundamental freedoms, including those of opinion, expression and association.

964. Although the Committee notes with appreciation the measures taken by the State party to comply with the Committee's recommendation (CRC/C/15/Add.13, para. 17), it remains concerned about the persistent number of alleged cases of children who have been detained in extreme conditions which amount to cruel, inhuman or degrading treatment, and cases of children physically ill-treated by members of the police or the armed forces. The Committee recommends that the State party reinforce its judicial mechanisms to deal effectively with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence and abuse against children be duly investigated in order to avoid the impunity of perpetrators. In this regard, the Committee endorses the recommendations made by the Committee against Torture in May 1997 (A/52/44, paras. 166-170).

(v) Family environment and alternative care

965. While the Committee welcomes the measures taken by the State party to comply with the Committee's recommendation (CRC/C/15/Add.13, para. 18), it is still concerned about the insufficient alternative care measures for children deprived of a family environment. The Committee recommends that the State party continue taking the necessary steps to develop alternatives to institutional care of children (e.g. domestic adoption and foster care). The Committee also recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions. The Committee encourages the State party to continue taking measures to review periodically the placement and treatment of children, as enshrined in article 25 of the Convention.

966. Although the Committee takes note of the establishment of the National Programme against Domestic Violence, 1999-2000 (PRONAVI), it remains concerned that, as acknowledged in the State party's report, physical and sexual abuse - within and outside the family - is a serious problem in the State party. Concern is also expressed that domestic legislation, at both the federal and State levels, does not explicitly prohibit the use of corporal punishment in schools. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party continue taking effective measures, including setting up multidisciplinary treatment and rehabilitation programmes, to prevent and combat child abuse and ill-treatment of

children within the family, at school and in society at large. It suggests that law enforcement should be strengthened with respect to such crimes, that adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and that the use of corporal punishment at home, in schools and other institutions, be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

(vi) Basic health and welfare

967. With regard to the measures taken to improve the health standards of children, in particular initiatives to the reduce infant mortality, the Committee remains concerned at the persistence of regional disparities in access to health care, at the high rates of malnutrition among children under five years of age and those of school age, especially in rural and remote areas and among children belonging to indigenous groups. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas.

968. While welcoming the State party's initiatives and programmes in the field of adolescent health, in particular those of the National Programme of Prevention to Adolescent Mothers and the National Council for the Prevention and Control of HIV/AIDS (CONASIDA), the Committee remains concerned at the high teenage maternal mortality rate and the high number of teenage pregnancies. The Committee recommends that the State party continue its efforts to prevent the spread of HIV/AIDS and that it take into consideration the recommendations adopted by the Committee on its day of general discussion on "Children living in a world of HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services and of care and rehabilitation facilities for adolescents.

(vii) Education, leisure and cultural activities

969. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary schools, and the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to indigenous groups regarding their access to education and the low relevance of the current bilingual educational programmes available for them. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to strengthen ongoing retention programmes and vocational training for drop-out students. The Committee also recommends that the State party

continue taking effective measures to improve the educational situation of children belonging to the most vulnerable groups, in particular, with regard to bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia, from UNICEF and UNESCO.

(viii) Special protection measures

970. Although the Committee is aware of the measures taken by the State party, in particular by INI, it remains concerned about the living conditions of children belonging to indigenous groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

971. While welcoming the fact that the State party's legislation complies with international labour standards and the measures taken for the eradication of child labour, the Committee is still concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee is particularly concerned that the State party, in its second periodic report, categorized only "street children" as "working children". The Committee is of the opinion that this misconception affects the scope and perception of this social phenomenon. In this regard, the Committee is particularly concerned that a large number of children are still involved in labour activities, especially in the informal sector and in agriculture. The Committee expresses its concern at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation. In the light of, inter alia, articles 3 and 32 of the Convention, the Committee recommends that the State party reconsider its position regarding the issue of child labour. The situation of children involved in hazardous labour, especially in the informal sector, deserves special attention. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee recommends that the State party consider seeking technical assistance from the International Labour Organization's International Programme for the Elimination of Child Labour (IPEC). The Committee encourages the State party to consider ratifying ILO Convention (No. 138) regarding Minimum Age for Admission to Employment (1973) and the new ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

972. In view of the assessment and recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography (see E/CN.4/1998/101/Add.2) regarding the situation of the sexual exploitation of children in Mexico, the Committee welcomes the measures taken by the State party to combat this phenomenon, in particular, the establishment of the Inter-institutional Commission to Eradicate the Sexual Exploitation of Children. In this regard, and in the light of article 34 and other related articles of the Convention, the Committee recommends that the State party take all effective measures to implement the recommendations made by the Special Rapporteur following her visit to Mexico. In particular, the Committee recommends that the State party conduct a study on the issue of

commercial sexual exploitation of children with a view to designing and implementing appropriate policies and measures, including care and rehabilitation; and that it reinforce its legislation, including punishment against perpetrators; and that it conduct awareness raising campaigns on this issue.

973. While the Committee is aware of the measures taken by the State party on the situation of "repatriated children" (menores fronterizos), it remains particularly concerned that a great number of these children are victims of trafficking networks, which use them for sexual or economic exploitation. Concern is also expressed about the increasing number of cases of trafficking and sale of children from neighbouring countries who are brought into the State party to work in prostitution. In this regard, the Committee recommends that the State party continue taking effective measures on an urgent basis to protect Mexican migrant children, to strengthen law enforcement and to implement the State party's national programme of prevention. In an effort to combat effectively intercountry trafficking and sale of children, the Committee suggests that the State party increase its efforts in the area of bilateral and regional agreements with neighbouring countries to facilitate the repatriation of trafficked children and encourage their rehabilitation. Furthermore, the Committee endorses the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography following her visit to Mexico (see E/CN.4/1998/101/Add.2) with regard to the situation of children living in border areas.

974. With regard to the administration of the juvenile justice system, the Committee remains concerned that:

(a) Federal and State legislation is not all in accordance with the principles and provisions of the Convention, especially regarding the low age of criminal responsibility;

(b) Deprivation of liberty is not systematically used only as a measure of last resort;

(c) Children are often detained together with adults in police stations;

(d) Cases are processed at a slow pace;

(e) Detention centres have very poor conditions;

(f) Juveniles have insufficient access to legal assistance;

(g) Insufficient rehabilitation measures exist for juvenile offenders;

(h) There is insufficient supervision and monitoring in detention centres;

(i) There is limited trained staff in detention centres.

975. In the light of articles 37, 40 and 39 and other relevant standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing

Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party:

(a) Effectively implement a juvenile justice system in accordance with the Convention and other related international standards;

(b) Ensure the improvement of the conditions of children living in prisons and detention centres;

(c) Develop centres for the rehabilitation of children in conflict with the law;

(d) Prohibit the use of violence by law enforcement officials;

(e) Ensure that the use of deprivation of liberty is used only as a measure of last resort;

(f) Guarantee prompt access to justice for children in pre-trial detention;

(g) Develop alternative measures to deprivation of liberty;

(h) Strengthen its training programmes on the relevant international standards, for judges, professionals and staff working in the field of juvenile justice.

976. Furthermore, the Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice.

977. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the periodic report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

27. Concluding observations: Mali

978. The Committee considered the initial report of Mali (CRC/C/3/Add.53) at its 570th to 572nd meetings (CRC/C/SR.570-572) on 28 and 29 September 1999 and adopted the following concluding observations.

(a) Introduction

979. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the

situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/MALI/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

980. The Committee welcomes the implementation of the National Plan of Action for the Survival, Development and Protection of Children (1992-2000). In this regard, it also welcomes the establishment of the Inter-Ministerial Commission for the Implementation of the Plan of Action, whose responsibilities include monitoring the implementation of activities under the Plan and promoting cooperation between donors and the competent technical departments. The Committee further welcomes the establishment of the Ministry for the Advancement of Women, Children and the Family, which, inter alia, facilitates the work of the Commission, particularly as regards the coordination of programmes.

981. The Committee notes that the Convention has been translated into Bamanan and Soninke, the State party's most widely spoken languages, and distributed using posters, booklets, leaflets, brochures and cartoon strips. The Committee welcomes the State party's use of traditional folk songs, stories and plays in promoting the principles of the Convention. The Committee also welcomes the introduction of a training programme on the Convention which has to date prepared a manual for trainers, trained 18 trainers and established regional and national teams of trainers. The efforts made thus far to train officials working with and for children about the Convention and to sensitize the media about children's rights are also noted. The Committee appreciates the fact that the Convention has been incorporated in the programme of the teacher training college and in the civic and moral education syllabuses at the primary school level.

982. The Committee expresses its appreciation for the State party's efforts in encouraging greater child participation and promoting respect for the views of the child. In particular, the Committee welcomes the annual Children's Parliament and the "Public Forum" which allow children the opportunity to participate in and express their views on human rights and other matters of concern to them, including the National Plan of Action on the Survival, Development and Protection of Children. The Committee notes with appreciation that the Children's Parliament includes children with disabilities. The Committee also notes with appreciation that the membership of school disciplinary councils includes children.

983. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the elaboration and recent implementation of the "Ten-Year Programme for the Development of Education" (PRODEC) which aims, inter alia, to establish parity between boys and girls in terms of recruitment and enrolment, to expand the use of national languages in education and to improve the overall quality of education. The Committee expresses appreciation for the recent initiatives to promote the enrolment of girls at all levels of the educational system. In particular, it notes the establishment of a special unit for the promotion of the education of girls within the Ministry of Basic Education and the implementation of a policy to allow pregnant schoolgirls to continue their education. The

Committee further notes the efforts to introduce or revitalize school canteens in economically disadvantaged communities. The Committee appreciates the recent efforts to improve the infrastructure through the construction of additional schools and classrooms and the refurbishment of existing ones.

(c) Factors and difficulties impeding the implementation of the Convention

984. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

(d) Subjects of concern and the Committee's recommendations

(i) General measures of implementation

985. The Committee notes the commitment expressed by the delegation to encourage the State party to withdraw its reservation to article 16 of the Convention and recommends that all necessary measures be taken to facilitate the process at the earliest possible opportunity, in the light of the Vienna Declaration and Programme of Action (1993).

986. The Committee notes that a study was undertaken to identify the inconsistencies between domestic legislation and the Convention. The Committee also notes that a Code on the Well-being and Protection of Children has been elaborated and incorporated in the Code of General Social Protection which is currently being reviewed by the Ministry for the Advancement of Women, Children and the Family with a view to final adoption by the National Assembly. The Committee remains concerned, however, that domestic legislation, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Code of General Social Protection and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.

987. While the Committee notes the establishment of the Inter-Ministerial Commission for the Implementation of the National Plan of Action for the Survival, Development and Protection of Children, it is concerned that insufficient resources have been allocated to allow the Commission to coordinate effectively the implementation of programmes for children. The Committee is also concerned that much of the work of the Commission is centralized in the regional capitals and the Bamako district, with very little focus at the community level. The Committee recommends that the State party take all necessary measures to ensure that adequate human and financial resources are allocated to facilitate the coordination and implementation of the National Plan of Action, as well as of the Convention, and that programmes be established in rural areas at the community level.

988. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the

Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.

989. The Committee is concerned that the current data collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in remote rural areas; child brides; children working and/or living on the streets; children living in institutions; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.

990. The Committee notes the impact of economic policies and the structural adjustment programme, which have had adverse effects on social investment. The Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

991. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders, as well as professional groups working with and for children, such as judges, lawyers, law enforcement personnel, health personnel, including psychologists, social workers, officials of central or local administration and personnel of childcare institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

(ii) Definition of the child

992. While the Committee notes the State party's proposal to review the Marriage and Guardianship Code, it remains concerned at the low minimum legal age for marriage of

girls (15 years) as compared to that of boys (18 years). The Committee encourages the State party to amend the Marriage and Guardianship Code to bring it into conformity with the provisions of the Convention.

(iii) General principles

993. The Committee is concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. The Committee encourages the State party to continue its efforts to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately incorporated in all legal revisions, as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

994. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education, health and other social services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including: girls; children with disabilities; child labourers, especially domestic workers; garibou students; children living in rural areas; child brides; children working and/or living on the streets; children in the juvenile justice system; children living in institutions; and refugee children. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.

995. While the Committee recognizes the efforts of the State party to promote respect for the views of the child and encourage child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems.

(iv) Civil rights and freedoms

996. The Committee notes that domestic legislation within the State party provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. In the light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

997. The Committee notes with concern that insufficient efforts have been made to protect children from harmful information shown in private cinemas, homes and community settings. In

the light of article 17 of the Convention, the Committee recommends that the State party reinforce existing and/or establish new appropriate measures to protect children from harmful information.

998. The Committee is concerned about the insufficient measures taken to prevent and prohibit police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. The Committee recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee also recommends that greater efforts be made to prevent police brutality and to ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned. The Committee recommends that the State party consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(v) Family environment and alternative care

999. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the living conditions in alternative care institutions, the inadequate monitoring of placements and the limited number of qualified personnel in this field. The Committee notes with concern that foster care has not yet been institutionalized or standardized and that the organizations involved are generally left to develop their own individual systems of monitoring and recruitment. The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts to provide support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party develop a clear policy with respect to foster care and introduce measures to ensure a standardized approach with respect to recruitment, monitoring and evaluation under existing foster care programmes.

1000. The Committee welcomes the recent initiative undertaken by the State party in establishing the National Commission to Study Intercountry Adoption and Combat Trafficking in Children. The Committee notes that the final report of the Commission, due in October 1999, will include legislative and other recommendations to protect the rights of children in situations of adoption and to prevent and combat the phenomenon of trafficking in children. The Committee remains concerned, however, at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of kalifa (informal adoptions) are also matters of concern. In the light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions and prevent the abuse of the practice of kalifa. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider acceding to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

1001. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse within the family; the inadequate resources (both financial and human); the insufficient number of adequately trained personnel to prevent and combat abuse; as well as the lack of awareness and information, including statistical data on these phenomena, are matters of concern for the Committee. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and WHO.

1002. While the Committee is aware that corporal punishment is prohibited in schools and in care and other institutions, including the Bollé Observation and Rehabilitation Centre, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within families and generally within society. The Committee recommends that the State party take appropriate measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention.

(vi) Basic health and welfare

1003. While the Committee notes the recent efforts to improve the general situation of health, it remains concerned that the survival and development of children within the State party continues to be threatened by diseases such as malaria, acute respiratory infections and diarrhoea. The Committee is also concerned at the high incidence of child and infant mortality, as well as maternal mortality, the high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

1004. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. While the Committee notes that the State party has initiated a national anti-AIDS programme which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and sexually transmitted diseases (STDs), it remains concerned at the high and increasing incidence of HIV/AIDS and STDs. The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicide and violence, and to strengthen reproductive health education and counselling services. In this regard, the Committee encourages the introduction of training programmes on reproductive health. The Committee suggests that a comprehensive and multidisciplinary study be undertaken on the scope of adolescent health problems, including the negative impact of early pregnancy and the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible without parental consent, where this is in the best interests of the child.

1005. The Committee notes the efforts of the State party to introduce measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. The Committee welcomes the proposal to establish a national committee on practices harmful to the health of women and children and to implement a plan of action to reduce the practice by the year 2008. The Committee remains concerned, however, that harmful traditional practices such as excision and early and forced marriages continue to be widely practised within the State party. The Committee also notes with concern that approximately 75 per cent of women in the State party are in favour of maintaining the practice of excision. The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. The Committee urges the State party to continue its efforts to conduct sensitization programmes for practitioners and the general public in order to change traditional attitudes and discourage harmful practices. In this regard, the Committee also encourages the establishment of alternative career training programmes for practitioners. The Committee encourages the State party to continue its collaboration with, inter alia, neighbouring States to identify good practices undertaken in the campaign to combat and eradicate the practice of FGM and other harmful traditional practices affecting the health of girls.

1006. The Committee expresses its concern at the absence of legal protection and the insufficient number of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

(vii) Education, leisure and cultural activities

1007. The Committee notes the significant progress made in the field of education, including under the 20/20 Initiative adopted at the World Summit for Social Development in Copenhagen in 1995. The Committee remains concerned that many children, particularly girls, still do not attend school. With respect to the general situation of education, the Committee notes with concern: the extent of overcrowding; high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of text books and other materials; and the insufficient number of trained teachers. The State party is encouraged to continue its efforts to promote the school attendance of girls. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.

(viii) Special protection measures

1008. While recognizing the State party's openness to hosting refugees from neighbouring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee and asylum seeking children. The Committee recommends that the State party develop a legislative framework for the protection of refugee and asylum seeking children, and implement policies and programmes to guarantee them adequate access to health, education and social services.

1009. The Committee notes the initiatives taken by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, including the establishment of the National Programme to Combat Child Labour. However, the Committee remains concerned at the situation of child labour, especially as regards, children engaged in domestic and agricultural labour, children engaged in mining and traditional gold-washing and children engaged as apprentices in the informal sector. The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also suggests that the State party increase its efforts to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and that it consider ratifying ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.

1010. The Committee notes that a national forum on child begging was held in 1998 and resulted in the elaboration of a plan to include marabouts and other Koranic teachers in the campaign to eradicate child begging. The Committee further notes that a vocational training programme has been established for garibou children in Mopti to discourage their continued involvement in begging. The Committee remains concerned, however, that children, particularly garibous, continue to be exploited and encouraged to beg. The Committee recommends that the State party continue to promote programmes to discourage and prevent child begging and to ensure that such programmes are implemented in all areas where child begging is a concern.

1011. The Committee is concerned at the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.

1012. The absence of adequate information, including disaggregated statistical data, on the situation with regard to the sexual exploitation of children, is a matter of concern for the Committee. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation.

1013. While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework, strengthen law enforcement and intensify its efforts to raise awareness in communities, generally in rural areas and particularly in the Sikasso region. The State party is further encouraged to continue its cooperation with neighbouring countries to eradicate cross-border trafficking in children.

1014. While the Committee notes the recent efforts in the area of juvenile justice, it is concerned that the juvenile justice system does not cover all areas of the State party. The Committee is further concerned about:

(a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;

(b) The absence of juvenile courts in some regions;

(c) The situation of overcrowding in detention facilities;

(d) The holding of minors in adult detention facilities in some regions;

(e) The lack of reliable statistical data on the number of children in the juvenile justice system;

(f) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system; and

(g) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

1015. The Committee recommends that the State party:

(a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Undertake all necessary measures to ensure that juvenile courts are accessible to children in all regions of the State party;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty and ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(e) Request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, UNICEF and the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

1016. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

28. Concluding observations: Netherlands

1017. The Committee considered the initial report of the Netherlands (CRC/C/51/Add.1) at its 578th to 580th meetings (see CRC/C/SR.578-580), held on 4 and 5 October 1999 and adopted the following concluding observations.

(a) Introduction

1018. The Committee expresses its appreciation for the clear and comprehensive nature of the report, which follows the Committee's guidelines. The report, however, focuses heavily on legislation, programmes and policy at the expense of information on the actual enjoyment of the rights of the child. While regretting their late submission, the Committee takes note of the detailed and informative written answers to the list of issues (CRC/C/Q/NETH/1) and some additional information provided to it during the course of the meetings, which enabled the Committee to assess the situation of the rights of the child in the State party. The Committee regrets the limitations placed on the State party's delegation by the unavailability of appropriate information to answer some of the questions during the discussion, which imposed constraints on a productive dialogue.

(b) Positive aspects

1019. The Committee welcomes the commitment and efforts of the State party in achieving a commendable degree of enjoyment by children in the State party of their rights through the establishment of infrastructure, comprehensive policies, legislation and administrative and other measures.

1020. Moreover, the Committee commends the State party for its continued commitment to the rights of the child in its development assistance programmes and notes with satisfaction that the State party has exceeded the United Nations target of 0.7 per cent of GDP for development assistance.

1021. The Committee commends the State party's efforts to combat the phenomenon of child-sex tourism.

1022. The Committee notes with satisfaction the State party's ratification of the Hague Convention of 1980, on the Civil Aspects of International Child Abduction, and the Hague Convention of 1993 on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

(c) Principal subjects of concern and the Committee's recommendations

(i) General measures of implementation

1023. The Committee is encouraged that the State party has indicated its willingness to reconsider its reservation to article 10 of the International Covenant on Civil and Political Rights. However, it notes with concern the reservations to articles 26, 37 and 40 of the Convention made by the State party. In the light of the Vienna Declaration and Programme of Action (1993), the Committee encourages the State party to consider withdrawing all of its reservations.

1024. The Committee notes that cooperation with and the involvement of non-governmental organizations in the implementation of the Convention, including the preparation of the report, remain limited. The Committee encourages the State party to consider a more systematic approach to involve NGOs, and civil society in general, throughout all stages of the implementation of the Convention.

1025. While acknowledging the initial efforts made to disseminate the Convention, the Committee regrets that the State party's report was not made widely available, or disseminated. Furthermore, the Committee is concerned that the State party is not undertaking information and awareness-raising activities on an ongoing basis. In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention, in order to maintain a high level of awareness of the importance of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers.

1026. The Committee expresses its concern that measures and policies developed by the State party for implementation at the provincial and municipal levels are not sufficiently child rights-based. The Committee is concerned that compartmentalization of policy sectors often leads to fragmentation and overlap in respect of the implementation of the Convention. In this regard, the Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give increased attention to intersectoral coordination and cooperation at and between the central, provincial and municipal levels of government.

1027. While noting the positive aspects of decentralization in the implementation of child policies, the Committee is nevertheless concerned that it may contribute to bottlenecks in the implementation of provisions of the Convention. The State party is encouraged to provide support to local authorities for implementation of the principles and provisions of the Convention.

1028. While acknowledging the role played by the Council for Child Protection and the "children's law polyclinics" in offering legal advice and information to children and in promoting their interests, the Committee remains concerned about the lack of an independent mechanism to monitor the implementation of the Convention. The Committee recommends that consideration be given to the establishment of a fully independent ombudsman for children to monitor and assess the full implementation of the Convention.

1029. The Committee is concerned about the lack of information regarding the implementation of article 4 of the Convention and the use to the "maximum extent" of available resources to implement the economic, social and cultural rights of children. The Committee urges the State party to develop ways to establish a systematic assessment of the impact of budgetary allocations and macroeconomic policies on the implementation of children's rights and to collect and disseminate information in this regard.

(ii) General principles

1030. The Committee welcomes the generally good levels of participation of children, particularly in secondary schools and at the local level. The Committee encourages the State party to continue promoting such participation, in particular in decision-making processes in all matters affecting children themselves. In this regard, the Committee recommends that the State party develop training programmes for local officials and other decision-makers to enable them to take adequately into consideration the opinions of children presented to them, with particular emphasis on involving and reaching vulnerable groups, such as children of ethnic minorities. The Committee also recommends that more attention be given to the promotion of child participation in primary schools.

(iii) Family environment and alternative care

1031. In relation to article 11 of the Convention, the Committee notes that the Netherlands is a party to the Hague Convention of 1993, on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction. The Committee encourages the State party to consider concluding bilateral agreements with States that are not parties to the two above-mentioned conventions.

1032. The Committee is concerned about the long waiting periods for placement in residential care. The Committee encourages the State party to increase the number of places available in residential facilities, while giving increased attention to alternatives to placement in residential facilities, in particular foster family care services, bearing in mind the principles and provisions of the Convention, especially the best interests of the child.

1033. The Committee welcomes the recent efforts to establish a network of child abuse reporting and counselling centres and the plans to strengthen child abuse monitoring and reporting systems. However, the Committee remains concerned about the growth in reported cases of child abuse and about the level of protection available to children. The Committee urges the State party to give increased priority to the prompt implementation and support of monitoring and reporting systems based on the position paper of the Ministries of Justice, and Health, Welfare and Sport concerning the prevention of child abuse and the protection and rehabilitation offered to victims of child abuse. Furthermore, the Committee recommends that the State party, in line with developments in other European countries, take legislative measures to prohibit the use of all forms of mental and physical violence against children, including corporal punishment, within the family.

(iv) Basic health and welfare

1034. The Committee welcomes the efforts made and understands the difficulties faced by the State party in protecting girls within its jurisdiction from female genital mutilation carried out outside its territory. Nevertheless, the Committee urges the State party to undertake strong and effectively targeted information campaigns to combat this phenomenon, and to consider adopting legislation with extraterritorial reach which could improve the protection of children within its jurisdiction from such harmful traditional practices.

1035. The Committee remains concerned that the right of access to medical advice and treatment without parental consent, such as testing for HIV/AIDS, may be compromised in instances where the bill for such services is sent to the parents, violating the confidentiality of the doctor-child relationship. The Committee recommends that the State party take adequate measures to ensure that medical advice and treatment remain confidential for children of appropriate age and maturity, in accordance with articles 12 and 16 of the Convention.

1036. The Committee is concerned at the low rates of breastfeeding. The Committee encourages the State party to undertake breastfeeding promotion campaigns, stressing its advantages and the negative impact of substitutes, while providing counselling to HIV/AIDS-infected mothers about the risk of transmission of HIV/AIDS through breastfeeding.

(v) Education, leisure and cultural activities

1037. The Committee is concerned that not enough attention has been given to the inclusion of human rights education in the school curricula, particularly at the primary level. The Committee urges the State party to consider introducing human rights issues into the school curricula at earlier ages and to ensure that the Convention on the Rights of the Child and its provisions are adequately covered in the existing curricula for older children and in new curricula for primary school pupils.

1038. The Committee welcomes the efforts being made to address the problem of bullying in schools, including the "Safe schools" campaign. The Committee encourages the State party to continue its efforts to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to strengthen structures to enable children to participate in adequately addressing and resolving this problem.

(vi) Special protection measures

1039. While noting the efforts to deal with unaccompanied asylum seeking minors, the Committee is concerned that they may need to receive increased attention. The Committee recommends that the State party strengthen measures so as to provide immediate counselling and prompt and full access to education and other services for refugee and asylum seeking children. Furthermore, the Committee recommends that the State party take effective measures for the integration of these children into its society.

1040. The Committee takes note of the efforts made to raise steadily the age of recruitment into the armed forces and involvement in hostilities. It also notes the declaration stating the intention of the State party to apply a higher standard than that required by the Convention, and its commitment to international efforts in this regard. Nevertheless, the Committee urges the State party to reconsider its present recruitment policies, with a view to setting the age of recruitment into the armed forces at 18 years.

1041. The Committee welcomes the information provided on the improvements that the Youth Custodial Institutions Act will introduce to deal, as quickly as possible, with complaints regarding ill-treatment. Nonetheless, the Committee recommends that due attention be given to ensuring that efforts to settle such complaints promptly through a mediation procedure will not result in less than thorough investigations.

1042. The Committee is concerned about the delays faced by juvenile offenders in need of psychological and psychiatric treatment. The Committee recommends that the State party increase the availability of places in institutions in order to provide these juvenile offenders with timely and appropriate treatment.

1043. On the protection of children from sexual abuse, the Committee welcomes the attention given by the State party to the impact of the "complaint requirement" for prosecuting offences committed against children between 12 and 16 years. However, the Committee remains concerned that the balance sought between protecting children against sexual abuse and protecting their sexual freedom may still unduly limit protection from abuse. The Committee also remains concerned that efforts to increase the protection of children against exploitation in the production of pornography have not made further progress. The Committee encourages the State party to continue reviewing its legislation and policies so as to modify the "complaint requirement" for prosecution of sexual offences committed against children over 12. Furthermore, the Committee encourages the State party to change its legislation with a view to improving the protection of all children from inducement to participate in the production of pornographic shows or materials, and from other forms of commercial sexual exploitation. While welcoming the introduction of such legislation, the Committee also encourages the State party to consider reviewing the "dual criminality" requirement in legislation establishing extraterritorial jurisdiction for cases of sexual abuse of children.

1044. The Committee notes the concern of the State party with respect to the problem of the sexual exploitation of children, often victims of trafficking, including the disappearance of unaccompanied minor asylum-seekers from reception centres. The Committee, however, remains concerned that no specific policies and measures appear to be contemplated at this point to address the problem as a matter of urgency. The Committee urges the State party to give prompt and serious attention to the need to ensure that children are not used as prostitutes and that asylum seeking procedures, while fully respecting the rights of unaccompanied minor asylum-seekers, effectively protect children from involvement in trafficking for sexual exploitation. Further, the Committee recommends that the State party adopt a comprehensive national plan of action to prevent and combat commercial sexual exploitation of children, taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress Against Commercial Sexual Exploitation of Children.

1045. The Committee notes the monitoring of the educational performance of children from ethnic minorities, but it remains concerned that the results continue to show noticeable disparities. The Committee urges the State party to review its efforts closely and to consider the possibility of providing further assistance to children at risk and the need to provide assistance to families from ethnic minorities with socio-economic problems, thus addressing the root causes of poor educational performance.

1046. The Committee is seriously concerned about the implications of the reservation entered by the State party on the applicability of adult criminal law to children over 16 years of age. The Committee is also seriously concerned at information provided which indicates that children aged 12 to 15 are also sometimes tried under adult criminal law. The Committee urges the State party to ensure that under the existing law no child under the age of 16 at the time of the commission of a crime is tried under adult criminal law, and to review the reservation mentioned above with a view to withdrawing it. The Committee further recommends that the State party takes legislative steps to ensure that a life sentence cannot be imposed on children who are tried under adult criminal law.

1047. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public, along with the summary records of the relevant meetings and concluding observations adopted by the Committee. Such wide distribution should generate debate and awareness of the Convention and the state of its implementation, particularly within the Government, the relevant ministries, the Parliament and non-governmental organizations.

29. Concluding observations: India

1048. At its 589th to 591st meetings (see CRC/C/SR.589-591), held on 11 and 12 January 2000, the Committee on the Rights of the Child considered the initial report of India (CRC/C/28/Add.10), which was submitted on 19 March 1997, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1049. The Committee expresses its appreciation of the report, which followed the Committee's guidelines. The Committee notes the detailed and informative written answers to the list of issues (CRC/C/Q/IND/1). The Committee regrets that time constraints did not allow the State party's delegation to answer all of the questions posed. Nevertheless, the Committee appreciated the open nature of the dialogue that took place. The Committee appreciates the additional written answers provided by the State party.

(b) Positive aspects

1050. The Committee is encouraged by the existence of a broad range of constitutional and legislative provisions, and institutions (e.g. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission) for the protection of human rights and children's rights. Moreover, the Committee welcomes the frequent references to provisions of international human rights instruments by the courts, in particular the Supreme Court.

1051. The Committee welcomes the growing involvement of NGOs and other grass-roots organizations in activities to enhance the protection of human rights, including through "public-interest litigation".

1052. The Committee welcomes the establishment of the Department of Education and Literacy, and notes the expressed commitment of the State party to achieving universal, free and compulsory primary education.

1053. The Committee notes the State party's efforts and cooperation with international bodies and agencies and non-governmental organizations to address child health and labour issues in India.

(c) Factors and difficulties impeding the implementation of the Convention

1054. Taking into account the fact that the number of children in India represents an enormous proportion of the world's child population, the Committee notes that the task facing India in meeting the needs of all children under its jurisdiction presents enormous challenges, not least in the economic and social fields. The Committee also notes that the high rate of population growth makes it difficult to sustain the necessary resources.

1055. The Committee notes that extreme poverty, which affects a significant part of India's population, the impact of structural adjustment, and natural disasters are factors which represent serious difficulties in the fulfilment of all of the State party's obligations under the Convention.

1056. Given such a diverse and multicultural society, the Committee further notes that the existence of traditional customs (i.e. the caste system), and societal attitudes (e.g. towards tribal groups) is an obstacle to efforts to combat discrimination, and compounds, inter alia, poverty, illiteracy, child labour, child sexual exploitation, and children living and/or working on the streets.

(d) Principal subjects of concern and Committee recommendations

(i) General measures of implementation

a. Legislation

1057. In the light of article 4 of the Convention, the Committee notes the unclear status of the Convention in the domestic legal framework and is concerned about the insufficient steps taken to bring existing federal, State and personal status laws into full conformity with the Convention.

1058. The Committee recommends that the State party pursue efforts to ensure full compatibility of its legislation with the Convention, taking due account of the general principles of the Convention. In this regard, the Committee encourages the State party to consider adopting a code for children.

1059. The Committee notes that insufficient efforts have been made to implement legislation and decisions of the courts and the commissions (i.e. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission), and to facilitate the work of such institutions with respect to children's rights.

1060. The Committee recommends that the State party take all necessary measures, including the allocation of the required resources (i.e. human and financial) to ensure and strengthen the effective implementation of existing legislation. The Committee further recommends the State party to provide adequate resources and to take all other necessary steps to strengthen the capacity and effectiveness of national human rights institutions, including the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission.

b. Coordination

1061. Noting the complexities arising from the federal structure of government with regard to the delineation of responsibilities between federal and State levels, the Committee is concerned that insufficient administrative coordination and cooperation appears to be a serious problem in the implementation of the Convention.

1062. The Committee recommends that the State party adopt a comprehensive national plan of action, based on a child rights approach, to implement the Convention. The Committee recommends that attention be given to intersectoral coordination and cooperation at and between central, State and municipal levels of government. The State party is encouraged to provide support to local authorities, including capacity-building, for implementation of the Convention.

c. Independent/monitoring structures

1063. The Committee is concerned at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children).

1064. It recommends that the State party develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to be adopted to implement the Convention.

1065. The Committee welcomes the State party's intention to establish a national commission for children.

1066. The Committee encourages the State party to establish a statutory, independent national commission for children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention at the federal, tate and local levels. Further, such a commission should be empowered to receive and address complaints of violations of child rights, including with respect to the security forces.

d. Allocation of budgetary resources

1067. The Committee welcomes the commitment of the State party to increase budgetary allocation for education from 4 to 6 per cent of the national budget. However, the Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

1068. The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The Committee also recommends that the State party ensure the appropriate distribution of resources at the central, State and local levels, and where needed, within the framework of international cooperation.

e. Cooperation with NGOs

1069. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited.

1070. The Committee encourages the State party to consider a systematic approach to involve NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making.

f. Training/dissemination of the Convention

1071. In the light of article 42, the Committee notes the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

1072. In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach those vulnerable groups who are illiterate or without formal education. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek assistance from, inter alia, UNICEF, in this regard.

(ii) Definition of the child

1073. In the light of article 1, the Committee is concerned that the various age limits set by the law are not in accordance with the general principles and other provisions of the Convention. Of particular concern to the Committee is the very low age of criminal responsibility under the Penal Code, which is set at 7 years; and the possibility of trying boys between 16 and 18 years as adults. The Committee is concerned that there is no minimum age for sexual consent for boys. The Committee is further concerned that minimum-age standards are poorly enforced (e.g. the 1929 Child Marriages Restraint Act).

1074. The Committee recommends that the State party review its legislation with a view to ensuring that age limits conform to the principles and provisions of the Convention, and that it take greater efforts to enforce those minimum-age requirements.

(iii) General principles

a. The right to non-discrimination

1075. In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different States, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups.

1076. The Committee recommends that concerted efforts at all levels be taken to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups.

1077. In the light of article 2 of the Convention, the Committee is concerned at the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law.

1078. In accordance with article 17 of the Constitution and article 2 of the Convention, the Committee recommends that the State party take steps to ensure States abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the 1993 Employment of Manual Scavengers Act. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.

1079. The Committee notes the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including female infanticide, selective abortions, low school enrolment and high drop-out rates, early and forced marriages, and religion-based personal status laws which perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

1080. In accordance with article 2 of the Convention, the Committee encourages the State party to ensure the enforcement of protective laws. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.

b Respect for the views of the child

1081 In the light of article 12, the Committee notes that the views of the child are accorded insufficient importance, especially within the family, the school, care institutions, the courts and the juvenile justice system.

1082 The Committee encourages the State party to promote and facilitate within the family, the school, care institutions, the courts and the juvenile justice system respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials in assisting children to make and express their informed decisions and to have their views taken into consideration.

(iv) Civil rights and freedoms

a Name and nationality

1083 Given that lack of timely birth registration can have negative consequences on the full enjoyment of fundamental rights and freedoms by children, the Committee is concerned, in the light of article 7 of the Convention, that the births of a very significant number of children in India are not registered.

1084 The Committee recommends that the State party make greater efforts to ensure the timely registration of all births, in accordance with article 7 of the Convention, and take training and awareness-raising measures as regards registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices, and registration units in schools and health facilities.

b Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

1085 With respect to article 37 (a) of the Convention, the Committee is concerned by numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.

1086 The Committee recommends that the registration of each child taken to a police station be mandatory, including time, date and reason for detention, and that such detention be subject to frequent mandatory review by a magistrate. The Committee encourages the State party to amend sections 53 and 54 of the Code of Criminal Procedure so that medical examination, including age verification, is mandatory at the time of detention and at regular intervals.

1087 The Committee recommends that the State party implement the recommendations made by the National Police Commission in 1980 and the Parliamentary Committee in 1996, which, inter alia, call for a mandatory judicial inquiry in cases of alleged rape, death or injury of persons in police custody; the establishment of investigative bodies; and payment of compensation to people who have been victims of custodial abuse. Amendment to the Juvenile Justice Act is recommended to provide for complaints and prosecution mechanisms for cases of custodial abuse of children. In addition, the Committee recommends the amendment of section 197 of the Code of Criminal Procedure, which requires government approval for prosecution of law enforcement officials when complaints of custodial abuse or illegal detention are alleged; and section 43 of the Police Act, so that police cannot claim immunity for actions while executing a warrant in cases of illegal detention or custodial abuse.

1088. The Committee encourages the State party to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it signed in 1997.

(v) Family environment and alternative care

a. Adoption

1089. In the light of articles 21 and 25 of the Convention, the Committee is concerned at the absence of uniform adoption law in India and effective measures to monitor and follow up placement within the State party and abroad.

1090. The Committee recommends the State party to review the legislative framework of domestic and intercountry adoption. The Committee recommends that the State party become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

b. Violence/abuse/neglect/maltreatment

1091. In the light of articles 19 and 39 of the Convention, the Committee is concerned at the widespread ill-treatment of children in India, not only in schools and care institutions but also within the family.

1092. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment.

(vi) Basic health and welfare

a. Children with disabilities

1093. Noting the 1995 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, the Committee nonetheless is concerned at the very poor level of and access to care for children with disabilities, especially those living in rural areas; and the lack of assistance provided to persons responsible for their care. In the light of article 23 of the Convention, the Committee emphasizes the need to ensure the implementation of policies and programmes to guarantee the rights of mentally and physically disabled children and to facilitate their full inclusion in society.

1094. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee recommends that the State party increase the capacity of institutions for the rehabilitation of children with disabilities and improve access to services for such children living in rural areas. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children. The Committee encourages the State party to undertake greater efforts to make available the necessary resources and to seek assistance from, inter alia, UNICEF, WHO and relevant NGOs.

b. Right to health and health services

1095. In the light of article 24 of the Convention, the Committee notes that the State party has already focused and placed priority on the main health issues by establishing several national programmes. Nevertheless, the Committee is concerned at high maternal mortality, and very high levels of low birth weight and malnutrition among children, including micronutrient deficiencies, linked to the lack of access to prenatal care and, more generally, limited access to quality public health care facilities, insufficient numbers of qualified health workers, poor health education, inadequate access to safe drinking water and poor environmental sanitation. This situation is exacerbated by the extreme disparities faced by women and girls, especially in rural areas.

1096. The Committee recommends that the State party take all necessary steps to adapt, expand and implement the Integrated Management of Child Illness strategy, and to pay particular attention to the most vulnerable groups of the population. The Committee also recommends that the State party undertake studies to determine the socio-cultural factors which lead to practices such as female infanticide and selective abortions, and to develop strategies to address them. The Committee recommends continued allocation of resources to the poorest sections of society and continued cooperation with and technical assistance from, inter alia, WHO, UNICEF, the World Food Programme and civil society.

1097. The Committee is concerned that the health of adolescents, particularly girls, is neglected, given, for instance, a very high percentage of early marriages, which can have a negative impact on their health. Adolescent suicides, especially among girls, and HIV/AIDS affected children are serious concerns for the Committee.

1098. The Committee recommends that the State party strengthen the existing National Reproductive and Child Health programme, targeting the most vulnerable groups of the population. The Committee recommends that the State party combat discrimination against

HIV/AIDS affected persons by strengthening awareness-raising and sensitization programmes for the public, and particularly health professionals. The Committee recommends continued allocation of resources to the poorest sections of society and continued cooperation with and technical assistance from, inter alia, WHO, UNICEF, UNAIDS and civil society.

c. Right to an adequate standard of living

1099. The Committee is concerned at the high percentage of children living in inadequate housing, including slums, and their inadequate nutrition and access to safe drinking water and sanitation. The Committee is concerned at the negative impact on families and the rights of children of structural adjustment projects.

1100. In accordance with article 27 of the Convention, the Committee recommends that the State party take appropriate measures to give effect to its commitments made at Habitat II in 1996 regarding children's access to housing. In the light of Commission on Human Rights resolution 1993/77 on forced evictions, the Committee encourages the State party to prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services.

1101. The Committee is concerned at the large and increasing number of children living and/or working on the streets, who are among the most marginalized groups of children in India.

1102. The Committee recommends that the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; education, including vocational and life-skills training; and access to legal aid. The Committee recommends that the State party cooperate and coordinate its efforts with civil society in this regard.

(vii) Education, leisure and cultural activities

a. Right and aims of education

1103. Welcoming the 83rd Constitutional Amendment Bill concerning the fundamental right to education, the Committee, however, expresses its concern at the prevailing poor situation in the State party with respect to education, which is characterized by a general lack of infrastructure, facilities and equipment, insufficient numbers of qualified teachers and a drastic shortage of text books and other relevant learning materials. There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different States, rural and urban areas, boys and girls, the affluent and poor, and children belonging to scheduled castes and tribes. The Committee emphasizes the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour.

1104. The Committee encourages the State party to enact the 83rd Constitutional Amendment Bill. In line with the 1993 and 1996 Supreme Court decisions (Unni Krishnan; and M.C. Mehta v. State of Tamil Nadu and Others, respectively), the Committee recommends that the State party implement measures designed to comply with article 45 of the Constitution, which mandates free and compulsory education for all children up to 14.

1105. The Committee recommends that the State party undertake studies on, and develop measures to address, the prevailing disparities in access to education; to improve the quality of teacher training programmes and the school environment; to ensure that the quality of non-formal education schemes is monitored and guaranteed, and that working and other children who participate in such schemes are integrated into mainstream education. The Committee recommends that the State party ensure and facilitate opportunities for the most vulnerable groups of children to proceed to secondary education.

1106. The Committee recommends that the State party take due regard of the aims of education laid down in article 29 of the Convention, including tolerance and equality between the sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous groups. The Committee recommends that the State party consider introducing human rights issues, including the Convention, into the school curricula.

1107. The Committee encourages the State party to make available the necessary resources and to seek assistance from inter alia UNICEF, UNESCO and relevant NGOs.

(viii) Special measures of protection

a. Unaccompanied, asylum seeking and refugee children

1108. Welcoming administrative policies which have generally been in line with international refugee law principles, the Committee is concerned that in the absence of legislation there remains no guarantee that children asylum-seekers and refugees will be ensured the protection and assistance provided by the Convention. The Committee is concerned that there exists the potential for children born of refugee parents to become stateless; that there is no adequate legal mechanism to deal with family reunification; and that although refugee children attend school on a de facto basis, there is no legislation which entitles these children to education.

1109. The Committee recommends that the State party adopt comprehensive legislation to ensure adequate protection of refugee and asylum seeking children, including in the field of physical safety, health, education and social welfare, and to facilitate family reunification. In order to promote the protection of refugee children, the Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.

b. Children and armed conflict, and their recovery

1110. The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern States, have seriously affected children, especially their right to life, survival and development (art. 6 of the Convention). In the light of articles 38 and 39, the Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts. Moreover, it is concerned at reports of involvement of the security forces in disappearances of children in these conflict areas.

1111. The Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children in armed conflict. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims. The Committee recommends that clause 19 of the Protection of Human Rights Act be repealed to allow inquiries into alleged abuses committed by members of the security forces to be conducted by the National Commission on Human Rights. In line with the recommendations of the Human Rights Committee (CCPR/C/79/Add.81), the Committee recommends that the requirement of governmental permission for criminal prosecutions or civil proceedings against members of the security forces be abolished.

c. Economic exploitation

1112. The Committee notes that India was the first country to sign a Memorandum of Understanding with the ILO in 1992 to implement the ILO-IPEC programme. The Committee further notes the amendments to schedules A and B of the 1986 Child Labour (Prohibition and Regulation) Act. Nevertheless, the Committee remains concerned at the large numbers of children involved in child labour, including bonded labour, especially in the informal sector, household enterprises, as domestic servants, and in agriculture, many of whom are working in hazardous conditions. The Committee is concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

1113. The Committee encourages the State party to withdraw its declaration with respect to article 32 of the Convention, as it is unnecessary in the light of the efforts the State party is making to address child labour. The Committee recommends that the State party ensure the full implementation of the 1986 Child Labour (Prohibition and Regulation) Act, the 1976 Bonded Labour (System Abolition) Act and the 1993 Employment of Manual Scavengers Act.

1114. The Committee recommends that the 1986 Child Labour Act be amended so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children; and coverage is expanded to include agriculture and other informal sectors. The Factories Act should be amended to cover all factories or workshops employing child labour. The Beedi Act should be amended so that exemptions for household-based production are eliminated. Employers should be required to have and produce on demand proof of age of all children working on their premises.

1115. The Committee recommends that the State party ensure that laws provide criminal and civil remedies, especially in the light of decisions of the Supreme Court in relation to compensation funds for child labourers (M.C. Mehta v. The State of Tamil Nadu and M.C. Mehta v. Union of India). The Committee recommends that court procedures be simplified, so that responses are appropriate, timely and child-friendly; and to vigorously pursue enforcement of minimum-age standards.

1116. The Committee recommends that the State party encourage States and districts to establish and oversee child labour vigilance committees, and ensure that a sufficient number of labour inspectors are adequately resourced to carry out their work effectively. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations, and to file First Information Reports.

1117. The Committee recommends that the State party undertake a national study on the nature and extent of child labour, and that disaggregated data, including violations, be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee further recommends that the State party continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards; and to involve and train employers', workers' and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals.

1118. The Committee calls upon the State party to ensure that the competent authorities cooperate and coordinate their activities, including with respect to education and rehabilitation programmes, and that present cooperation between the State party and relevant United Nations agencies, such as ILO and UNICEF, and NGOs be expanded. The Committee recommends that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

d. Drug abuse

1119. In the light of article 33, the Committee is concerned about the increasing use and traffic in illicit drugs, especially in the large urban centres of Mumbai, New Delhi, Bangalore and Calcutta, and the growing use of tobacco among persons under 18 years, especially girls.

1120. The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of the United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use, including tobacco use, and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee recommends cooperation with and assistance from WHO and UNICEF. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse.

e. Sexual exploitation and sexual abuse

1121. The Committee notes the Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. However, in view of the scale of the problem, the

Committee is concerned about the sexual abuse and exploitation of children especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict, such as Jammu and Kashmir, and the north-eastern States; and trafficking and commercial exploitation, especially girls from neighbouring countries, particularly Nepal. It is also concerned about the absence of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.

1122. The Committee recommends that the State party ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that Devadasi, or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The Committee recommends that the State party ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.

1123. The Committee recommends that a national mechanism to monitor implementation should be established, as well as complaints procedures and helplines. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation.

1124. The Committee recommends that the State party undertake a national study on the nature and extent of sexual abuse and sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party continue its efforts to carry out extensive campaigns to combat harmful traditional practices, such as child marriages and ritual prostitution; and inform, sensitize and mobilize the general public on the child's right to physical and mental integrity, and safety from sexual exploitation.

1125. The Committee recommends that bilateral and regional cooperation be reinforced, involving cooperation with border police forces from neighbouring countries, especially along the eastern frontier areas in the States of West Bengal, Orissa and Andhra Pradesh. The State party should ensure that the competent authorities cooperate and coordinate their activities; and that present cooperation between the State party, and, inter alia, UNICEF, be expanded.

f. Administration of juvenile justice

1126. The Committee is concerned over the administration of juvenile justice in India and its incompatibility with articles 37, 40 and 39 of the Convention and other relevant international standards. The Committee is also concerned at the very young age of criminal responsibility - 7 years - and the possibility of trying boys between 16 and 18 years of age as adults. Noting that the death penalty is de facto not applied to persons under 18, the Committee is very concerned that de jure, this possibility exists. The Committee is further concerned at the overcrowded and unsanitary conditions of detention of children, including detention with adults; lack of application and enforcement of existing juvenile justice legislation; lack of training for professionals, including the judiciary, lawyers and law enforcement officers, in relation to the Convention, other existing international standards and the 1986 Juvenile Justice Act; and the lack of measures and enforcement thereof to prosecute officials who violate these provisions.

1127. The Committee recommends that the State party review its laws in the administration of juvenile justice to ensure that they are in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

1128. The Committee recommends that the State party abolish by law the imposition of the death penalty on persons under 18. The Committee also recommends that the State party consider raising the age of criminal responsibility and ensure that persons under 18 years are not tried as adults. In accordance with the principle of non-discrimination contained in article 2 of the Convention, the Committee recommends article 2 (h) of the 1986 Juvenile Justice Act be amended to ensure that boys under 18 years are covered by the definition of juvenile, as girls already are. The Committee recommends that the 1986 Juvenile Justice Act be fully enforced and that the judiciary and lawyers be trained and made aware of it. The Committee further recommends that measures be taken to reduce overcrowding, to release those who cannot be given a speedy trial and to improve prison facilities as quickly as possible. The Committee recommends that the State party ensure regular, frequent and independent monitoring of institutions for juvenile offenders.

1129. The Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

(ix) Dissemination of the report

1130. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

30. Concluding observations: Sierra Leone

1131. The Committee received the initial report of Sierra Leone on 10 April 1996 (CRC/C/3/Add.43) and considered the report at its 593rd to 594th meetings (see CRC/C/SR.593-594), held on 13 January 2000, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1132. The Committee welcomes the submission of the State party's initial report and takes note of the written answers to the list of issues (CRC/C/Q/SIR/1) submitted by the State party. The Committee notes with appreciation the delegation's efforts to provide all the information requested and takes note that the State party included in its delegation a representative of Sierra Leonean NGOs.

(b) Positive aspects

1133. The Committee notes the State party's efforts to fulfil its reporting obligations under the Convention in spite of the internal armed conflict that has continued since 1991. The Committee notes with satisfaction the signing on 7 July 1999 of a peace agreement in Lomé and the end of hostilities within the State party. The Committee is especially encouraged by the inclusion in the Lomé peace agreement of references to children's rights and to the Convention on the Rights of the Child.

1134. Further, the Committee is encouraged by the State party's efforts to seek assistance from the international community and to establish a truth and reconciliation commission which can contribute to the establishment of a lasting peace in an environment of respect for human rights. The Committee notes the State party's efforts to develop a child rights bill which would incorporate the provisions of the Convention in domestic law. The Committee further notes the State party's excellent cooperation with national NGOs and progress in disseminating the provisions and principles of the Convention.

(c) Factors and difficulties impeding the implementation of the Convention

1135. The Committee recognizes the severe social and economic difficulties imposed both upon the State party and upon the general population by the many years of armed conflict, including a period during which regional sanctions were imposed. The Committee recognizes, further, that the repeated changes of government within the State party, including through military action, have made it difficult to develop and implement a concerted policy of implementation of the Convention.

(d) Principal subjects of concern, suggestions and recommendations

(i) General measures of implementation

a Legislation

1136 The Committee is concerned that some aspects of existing legislation, and some aspects of customary law, are not consistent with the principles and provisions of the Convention. The Committee is concerned that the Convention on the Rights of the Child is not applicable in the courts.

1137 The Committee recommends that the State party undertake a review of existing legislation and of customary law practices and, where appropriate, adopt or amend legislation so as to ensure compatibility with the principles and provisions of the Convention. In addition, the Committee urges the State party to consider introducing legislation which would allow the Convention to be directly applicable in domestic courts.

b Coordination/independent monitoring structures

1138 The Committee recognizes the State party's efforts to establish mechanisms through which coordination can be conducted. The Committee remains concerned, however, that these mechanisms are not themselves coordinated and that there is a lack of clear responsibility for the formulation of policy, lying with a single coordinating body. The Committee is also concerned at the absence of a clear monitoring structure and the lack of precise indicators according to which monitoring of the Convention's implementation can be conducted.

1139 While the Committee is encouraged by the State party's efforts to develop projects focusing on children, the Committee emphasizes the importance of developing an overall strategy for the effective protection of children's rights, and that individual projects should each form a part of this larger strategy. Noting that the Ministry of Social Welfare, Gender and Children's Affairs has principal responsibility for child protection issues, the Committee is concerned at the extreme lack of funding and other resources available to this Ministry.

1140 In this regard, the Committee urges the State party to secure adequate funding for the Ministry of Social Welfare, Gender and Children's Affairs to ensure the effective implementation of its child protection mandate. The Committee recommends, in addition, that the State party expand the mandate of this Ministry to include coordination of the Convention's implementation, and provide the Ministry with the necessary authority and resources to develop a cross-ministerial strategy for the protection of children's rights.

1141 The Committee further recommends that the State party consider the establishment of an independent body to monitor the Convention's implementation, and that the conclusions of such monitoring be used to improve the development and implementation of policies affecting children.

c. Decentralization

1142. The Committee is concerned that, in the past, the delivery of services and the overall implementation of children's rights have been severely hampered by an over-centralization of decision-making and policy implementation authority in the capital city.

1143. The Committee recommends that the State party strengthen ongoing efforts at decentralization of authority to the districts and local levels with regard to the implementation of the Convention.

d. The maximum extent of available resources

1144. Recognizing that the effective implementation of the Convention relies upon an adequate and consistent allocation of budgetary resources, the Committee expresses concern at the lack of clarity in the current definition of resource allocation in favour of children.

1145. In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee urges the State party to establish a clear policy on the allocation of resources in favour of children, including those resources allocated by international agencies or bilateral assistance, and to establish how these resources will be used in the medium-term future.

e. International cooperation

1146. Deeply concerned at the overall situation of children in the State party and the severe damage caused to national infrastructure and the economy by the years of conflict, the Committee is concerned at the State party's limited resources with which to address such a wide array of problems.

1147. The Committee strongly recommends that the State party seek extensive international cooperation towards the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.

f. Cooperation with NGOs

1148. The Committee recognizes the very significant cooperation developed between the State party and national NGOs in favour of children, but is concerned that a disproportionate level of resources are used through international NGOs, to the detriment of national organizations and structures.

1149. The Committee urges the State party to maintain the important progress made so far and to continue to work closely with national NGOs. The Committee further urges the State party to strengthen national NGOs by encouraging international partners to favour these national structures in their funding and implementation programmes.

g. Dissemination of the Convention

1150. Recognizing the particular importance of an understanding of children's rights in post-conflict reconstruction in the State party, and particularly in contexts where some customary law or traditional practices may be harmful for some children, the Committee acknowledges the progress made by the State party in disseminating the principles and provisions of the Convention. The Committee remains concerned, however, that dissemination and understanding of the Convention has not been followed by corresponding implementation in the everyday activities or work of civil servants and the population at large.

1151. In the light of article 42, the Committee recommends that the State party make additional efforts in the dissemination of the Convention, provide training on its provisions for professionals, inter alia law officials, teachers and health workers, and provide teaching on its provisions to the adult population. The State party should ensure that such training focuses on, and contributes to, practical implementation of the Convention's provisions and principles. In addition, the Committee recommends that the State party make every effort to develop a culture of knowledge and respect for human rights in all sectors of the population.

(ii) Definition of the child

1152. The Committee is concerned that the definition of a child is not consistent in domestic legislation, noting that under the Sierra Leone Citizenship Act of 1973 "a person shall be of full age if he has attained the age of 21 years". Similarly, a "child" is defined in the Education Act as "a person under the age of 21 years" (State party report, para. 25). However, the Committee notes that under the Prevention of Cruelty to Children Act a child is defined as a person under the age of 16.

1153. The Committee recommends that the State party conduct a review of domestic legislation so as to ensure a consistent definition of a child and to adopt 18 years or above as the age of majority.

a. Minimum age of marriage

1154. The Committee is very concerned at the practice of arranging marriages - under customary law - for very young girls, in particular against the free will of the child. The Committee notes that such practices violate the provisions and principles of the Convention on the Rights of the Child.

1155. The Committee recommends that the State party undertake child rights promotional activities in communities which apply such customary law practices, explaining the rights of children in this regard with a view to ensuring that a minimum age for marriage is established, that it is the same for both boys and girls, and that girls are not forced into marriage.

b. Minimum age of recruitment/conscription

1156. The Committee is deeply concerned at the massive participation of children in armed forces in the State party, either as combatants or in other roles. The Committee also notes that no minimum age is established in national legislation for voluntary recruitment - when the consent of a specified adult party is given.

1157. The Committee welcomes the State party's announcement of its intention to pass legislation raising the minimum age of recruitment to 18, and urges the State party to move quickly towards this goal and to ensure that the new legislation is enforced.

c. The age of criminal responsibility

1158. The Committee is concerned that the minimum age of criminal responsibility - set at 10 years by domestic legislation - is very low.

1159. The Committee recommends that the State party review relevant legislation and raise the minimum age of criminal responsibility.

(iii) General principles

a. Principle of non-discrimination

i. Prohibition of discrimination

1160. The Committee welcomes the inclusion in the State party Constitution of a provision prohibiting discrimination, but remains concerned that some of the criteria listed as prohibited grounds of discrimination under the Convention on the Rights of the Child are absent from the State party Constitution.

1161. The Committee recommends that the State party review the Constitution and other relevant national legal instruments, enlarging the list of prohibited grounds of discrimination to include "disability, birth, other [than political] opinion", as provided for in article 2 of the Convention. The Committee further urges the State party to implement effective measures to prevent discrimination and to address those cases which continue to occur.

ii. Discriminatory practices

1162. Furthermore, the Committee is concerned at the extent to which ethnic and gender discrimination are witnessed in the State party, in spite of domestic legislation prohibiting such discrimination.

1163. Recognizing the many different ways in which direct or indirect discrimination affects girls, and that discrimination against women, involving such issues as inheritance rights, can have a major impact on their capacity to provide for the needs of their children, the Committee urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia by reviewing domestic legislation so as to ensure that discriminatory provisions are removed and that adequate protection from discrimination is provided.

1164. While the Committee is encouraged by the exclusion of girls from the application by domestic courts of corporal punishment sentences, the Committee nevertheless considers this provision to be discriminatory between boys and girls.

1165. The Committee urges the State party to extend the prohibition of State sanctioned corporal punishment to boys.

b. Principle of the best interests of the child

1166. The Committee is concerned at indications that the principle of the best interests of the child has not been systematically taken into consideration in administrative and legal policy and practice.

1167. The Committee recommends that the State party consider ways through which the principle of the best interests of the child can be promoted and protected.

c. The right to have views heard and given due weight

1168. The Committee emphasizes the importance for the State party of promoting respect for the views of the child and encouraging child participation.

1169. The Committee encourages the State party to promote public awareness of the participatory rights of children and to take effective measures to ensure respect for the views of the child within schools, families, social institutions, and the care and judicial systems.

d. The principle of the survival and development of the child

1170. The Committee is concerned that efforts to respect the principle of the survival and development of the child have focused primarily on children living in cities and the main towns.

1171. The Committee urges the State party to make every effort to ensure that policy, programmes and activities focus on respecting the principle of the survival and development of all children.

(iv) Civil rights and freedoms

a. The right to birth registration

1172. The Committee is concerned that the absence of systematic birth registration in the State party, thereby preventing an accurate statement of the identity or age of a child, can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. The Committee is also concerned at the arbitrary manner, in the absence of birth registration records, in which age and identity are frequently established.

1173. In the light of article 7 of the Convention, the Committee recommends that the State party establish as quickly as is possible a practice of systematic birth registration for all children born within the national territory. The Committee further urges the State party to proceed with the registration of those children who have not thus far been registered.

b. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

1174. The Committee expresses its grave concern over the reported massive occurrence of torture and other cruel, inhuman or degrading treatment or punishment, including amputations and mutilations, committed against children.

1175. Recognizing that the majority of these acts were committed in the context of the armed conflict, and with a view to achieving reconciliation and prevention, the Committee urges the State party to use the truth and reconciliation Commission process to raise discussion on such acts. The Committee, in addition, urges the State party to undertake measures which will ensure that such acts will, in the future, receive an appropriate response through the judicial process.

1176. The Committee is concerned that corporal punishment is widely practised in the State party and that, in particular, it is used in the sentencing of boys under the age of 17 by domestic courts.

1177. In the light of articles 19, 28 (2) and 37 (a) of the Convention, the Committee urges the State party to take legislative and educative measures to prohibit the use of corporal punishment by the courts, all public officials and in schools, and to consider the prohibition of its use in the family.

(v) Family environment and alternative care

a. Parental guidance and responsibilities

1178. The Committee is concerned that parents and families, particularly given the specific nature of the recent conflict, are in need of support and guidance with regard to their responsibilities for children under their care. The Committee is concerned, further, at reports indicating that some children, such as those who were forced to participate in hostilities, are not always accepted back into their families and communities.

1179. The Committee recommends that the State party make every effort to strengthen family ties and the capacity of parents to fulfil their role in contributing to the protection of children's rights and providing, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. The Committee recommends, *inter alia*, the strengthening of existing mechanisms which provide guidance to parents and families, and that equal emphasis, in such efforts, be placed on the roles of women and of men.

b. Children deprived of a family environment

1180. The Committee is deeply concerned at the large numbers of children who have been deprived of a family environment through the death of, or separation from, their parents or other family, and at reports of the difficulties and slow progress in tracing separated families and children. The Committee is concerned, further, that children deprived of their family environment may increasingly travel to the main towns, where they may live on the streets and be particularly vulnerable to exploitation and abuse.

1181. The Committee urges the State party to make every effort to strengthen family tracing programmes and also to plan for the effective provision of alternative care for separated children, with particular focus on unaccompanied children living in the streets of main towns and making use of the extended family, foster care and other alternative family structures.

c. Adoption

1182. The Committee notes the introduction by the State party of the 1989 Adoption Act, but is nevertheless concerned that child nationals of the State party may remain vulnerable to problems of illegal adoption, including intercountry adoption.

1183. The Committee recommends that the State party ratify the Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption with a view to providing additional legal protection.

(vi) Basic health and welfare

a. Health services

1184. Taking note of the very high child and maternal mortality rates, rates of malnutrition and various preventable diseases and the probability of widespread psychological trauma, the Committee is concerned at the very low coverage of basic health services across the country and at the absence of mental health facilities.

1185. The Committee urges the State party to make every effort to rebuild national health infrastructures and to ensure the access of the whole population to basic health services, including in rural areas. The Committee recommends, in addition, the establishment of a comprehensive mental health service. Further, the Committee urges the State party to seek international cooperation in implementing this recommendation.

b. Children with disabilities

1186. Recognizing that children with disabilities may be especially disadvantaged by the conditions inherent in armed conflicts, the Committee is concerned at the limited information provided by the State party on the situation of children with disabilities. Noting the existence of some facilities specific to children with disabilities, the Committee nevertheless emphasizes that respect for the rights of children with disabilities requires an integrated approach to the overall situation of such children.

1187. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96), the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), and with particular reference to article 23 of the Convention, the Committee recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities and the needs of children with disabilities with regard to rehabilitative and other forms of care, and make every effort to improve the facilities and services available. The Committee supports the State party in its efforts to include children with disabilities in the mainstream education process and recommends that these efforts be pursued and that every effort be made to address the concerns raised in the State party's assessment.

1188. The Committee further encourages the State party to make every effort to benefit from international cooperation in favour of children with disabilities, in accordance with article 23, paragraph 4 of the Convention.

c. HIV/AIDS

1189. The Committee is deeply concerned that the incidence of HIV/AIDS in the State party is likely to have risen significantly during the period of armed conflict and population displacement.

1190. The Committee recommends that the State party urgently develop mechanisms to effectively monitor the incidence and spread of HIV/AIDS. The Committee further recommends that the State party rapidly develop and implement a strategy for prevention, including through the use of information campaigns, and for care of people who are victims of HIV/AIDS, including for alternative care of their children. In this regard, the Committee urges the State party to seek assistance from the World Health Organization.

d. Traditional practices prejudicial to the health of children

1191. The Committee is very concerned at the widespread practice of female genital mutilation.

1192. In the light of article 24.3 of the Convention, the Committee urges the State party to pass legislation prohibiting practices of female genital mutilation, to ensure that such legislation is enforced in practice and to undertake preventive information campaigns. The Committee further recommends that the State party benefit from the experience of other States in this area and consider, inter alia, adopting alternative practices of a purely ceremonial nature, which do not involve any physical acts.

e. Psychological care

1193. The Committee is concerned that the State party has insufficient capacity to provide psycho-social assistance to the many children who have suffered forms of psychological trauma.

1194. The Committee urges the State party to make every effort to strengthen available psycho-social assistance and to recruit more mental health workers. The Committee recommends, in addition, that the State party seek technical assistance in this domain.

(vii) Education, leisure and cultural activities

a. The right to education

1195. The Committee is deeply concerned over the lack of implementation of the right to education of children in the State party. The Committee is concerned particularly at the drastic fall in the number of primary schools, with the remaining schools concentrated primarily in the main towns to the exclusion of the rural population. The Committee is further concerned at information indicating that 70 per cent of primary schoolteachers are not qualified and at the very high drop-out rates of children from primary school education. In addition, while recognizing the State party's efforts to provide free education to children in the first three years of primary school, the Committee notes that State party assistance to pupils and parents only covers school fees and does not provide for other education related costs. Children in other classes must carry the entire burden of the cost of their education.

1196. Recognizing the efforts made by the State party to establish schools in displaced persons camps and to raise the levels of enrolment among both girls and boys, the Committee urges the State party to rapidly reopen primary schools in all regions of the country, including in rural areas, so as to ensure that every child has access to primary education. With a view to assuring a better quality of education, the Committee further urges the State party to encourage trained teachers who have left the State party to return, to strengthen teacher training courses so as to increase the number and standard of teachers, and to invest sufficient resources in the education system to provide adequate school facilities, materials and salaries for teachers. The Committee urges the State party to ensure that education is entirely free for all students, including through the provision of assistance to purchase uniforms and school books. The Committee also recommends that the State party seek assistance from international agencies, such as UNICEF.

1197. The Committee encourages the State party in its efforts to integrate peace education, civil education and human rights into its teacher training programmes and school curricula, and recommends that the State party continue this process, expanding it to include child rights, and ensure that every child receives such education.

1198. The Committee expresses its particular concern at the very high rate of illiteracy among women and the extremely low levels of primary school enrolment and graduation among girls.

1199. The Committee recommends that the State party make every effort to increase the enrolment and graduation rates of girls in primary education, inter alia through the promotion of children's rights in rural communities and through the enforcement of compulsory primary education requirements.

(viii) Special protection measures

a. Armed conflict

1200. The Committee expresses its extremely deep consternation at the very high numbers of children who have been forcibly recruited into armed forces, including children as young as five years old, and who have often been forced to commit atrocities against other people, including other children and members of their community. The Committee expresses its great concern at the horrifying amputation of hands, arms and legs, and at the many other atrocities and acts of violence and cruelty committed by armed persons against children, including, in some cases, against very young children.

1201. The Committee is deeply saddened by the direct effects of the armed conflict on all child victims, including child combatants, and is concerned at the tragic loss of life and severe psychological trauma inflicted upon them. The Committee is also concerned by the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

1202. The Committee is further concerned at the indirect effects of the armed conflict - the destruction of educational and health infrastructures, of water collection, purification and distribution systems, of the national economy, of agricultural production, of communication infrastructure - all of which have contributed to a massive and continuing violation for a majority of children in the State party of many of the rights provided for in the Convention.

1203. The Committee urges the State party to take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society. The Committee further recommends that the State party establish and strictly enforce legislation prohibiting the future recruitment, by any armed force or group, of children under the age of 18, in accordance with the African Charter on the Rights and Welfare of the Child.

1204. The Committee also urges the State party to take all necessary measures in cooperation with national and international NGOs and United Nations bodies, such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation and reintegration.

1205. The Committee further urges the State party to make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

b. Unaccompanied, asylum seeking and refugee children

1206. The Committee is concerned at the situation of the continuing numbers of unaccompanied children in the State party.

1207. The Committee urges the State party to make every effort to support these children through, inter alia, family tracing activities and assistance in gaining access to health services, schools or vocational training activities, as appropriate.

1208. The Committee is deeply concerned at the situation of the many children, citizens of the State party, who are currently refugees.

1209. The Committee urges the State party to make every effort to create conditions conducive to the return of child refugees and their families, including through international cooperation, inter alia, that of the Office of the United Nations High Commissioner for Refugees.

c. Economic exploitation

1210. The Committee is concerned by the increasing incidence of child labour, in particular on the streets of the main towns, and anticipates that, in the current post-conflict situation, the number of children engaged in such labour is likely to increase. The Committee is especially concerned at the situation of children begging in cities and major towns.

1211. The Committee urges the State party to make urgent efforts to monitor and address the use of children as labour, including through action to address the causes of child labour. The Committee urges the State party to seek international cooperation, including, for example, through the International Labour Organization's International Programme for the Eradication of Child Labour (IPEC).

1212. The Committee recommends that the State party consider ratifying International Labour Organization Convention No. 138, concerning the Minimum Age for Admission to Employment (1973), and No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

d. Drug abuse

1213. The Committee is concerned at the recent and rapid increase in the abuse of drugs by children, particularly among child former combatants.

1214. Recognizing the State party's efforts in Freetown to combat drug use, the Committee urges the State party to establish similar activities in other towns and in internally displaced persons camps. The Committee recommends, in addition, that the State party seek international cooperation in this domain, including for the provision of psycho-social assistance for addicts.

e. Sexual exploitation and abuse

1215. The Committee is concerned that provisions in national domestic legislation providing protection to children from sexual exploitation and abuse only offer such protection to children up to the age of 14.

1216. The Committee recommends that the State party review domestic legislation in order to raise the age levels of such protection, and to ensure that boys benefit from the same protection as girls.

1217. The Committee expresses its deep concern with regard to the many incidents of sexual exploitation and abuse of children, particularly in the context of the conscription or abduction of children by armed persons and in the context of attacks on civilian populations by armed persons, and particularly with regard to girls. The Committee is also concerned at reports of commercial sexual exploitation and of widespread sexual abuse of girls within the family, within internally displaced person camps and within communities.

1218. The Committee urges the State party to include studies of incidents of sexual abuse in the context of the armed conflict among the issues to be discussed by the truth and reconciliation commission. The Committee recommends that the State party initiate information campaigns alerting the public to the risks of sexual abuse within the family and within communities. In addition, the Committee urges the State party to provide the necessary psychological and material assistance to the victims of such exploitation and abuse and to assure their protection from any possible social stigmatization. The Committee further encourages the State party, in its efforts to address practices of commercial sexual exploitation, to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress Against Commercial Exploitation of Children, held in Stockholm in 1996.

1219. With regard to sexual abuse in the family and communities, the Committee recommends that the State party consider the establishment of mechanisms through which incidents can be identified, reported and addressed, inter alia through medical professionals, law enforcement and judicial officials.

f. Administration of juvenile justice

1220. The Committee is concerned at the absence of precise data on the numbers and situation of children in detention or serving prison sentences in the State party. The Committee is also concerned at the very poor conditions in prisons and detention facilities in the State party. The Committee is further concerned that domestic legislation requires only that minors in detention be separated from adults as far as circumstances permit.

1221. While recognizing the limited resources available to the State party, the Committee recommends, nevertheless, that every effort be made to gather information on the numbers and legal situation of children currently in detention in the State party. The Committee urges the State party to apply domestic legislation requirements that imprisonment be a measure of last resort, particularly given the prevailing conditions in national detention facilities. The Committee recommends that the State party strengthen and make use of alternatives to imprisonment.

1222. In the light of articles 37 and 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party harmonize domestic legislation, as a whole, with relevant international legal instruments and seek to apply the international standards provided for in these instruments.

1223. The Committee further recommends the training of personnel involved with the juvenile justice process in child psychology and development and relevant human rights law. In this regard, the Committee further suggests that the State party consider seeking additional technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

g. Dissemination of the report, written answers and concluding observations

1224. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

31. Concluding observations: Costa Rica

1225. The Committee considered the second periodic report of Costa Rica (CRC/C/65/Add.7) at its 595th and 596th meetings (see CRC/C/SR.595-596), held on 14 January 2000, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1226. The Committee welcomes the submission on 20 January 1998 of the State party's second periodic report. However, it notes that the State party's report did not follow the guidelines for periodic reports established by the Committee, with the result that it did not sufficiently cover important areas of the Convention, such as general principles, civil rights and freedoms, and family environment and alternative care. The Committee takes note of the written replies to its list of issues (CRC/C/Q/COS/2), while regretting their late submission. The Committee is encouraged by the constructive, open and frank dialogue it had with the State party's delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

1227. The Committee welcomes the State party's accession to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and to the 1994 Inter-American Convention against the International Traffic in Minors.

1228. The Committee welcomes the signing of a memorandum of understanding (1996) between the State party and the International Labour Organization (ILO)/International Programme for the Eradication of Child Labour (IPEC), for implementing a programme for the eradication of child labour.

1229. In the light of its recommendations (see CRC/C/15/Add.11, paras. 11 and 15), the Committee welcomes the enactment of the Children and Adolescents Code (1998) and the participation of non-governmental organizations in the drafting of the Code. The Committee also welcomes the enactment of additional legislation on children's rights-related issues, such as the Law for Equal Opportunities for the Disabled (1996), the Law on Juvenile Justice (1996), the Maintenance Payment Act (1996) and the Law for the Protection of Adolescent Mothers (1997).

1230. The establishment of a Children and Adolescents section, under the Office of the Ombudsman (Defensor del Pueblo), is considered as a positive measure, in accordance with the Committee's recommendation (CRC/C/15/Add.11, paras. 7 and 11). In this regard, the Committee also welcomes the fact that the Office of the Ombudsman has established a Permanent Forum for the Evaluation of the Implementation of the Children and Adolescent Code, which functions with the participation of civil society.

1231. With regard to its recommendation (see CRC/C/15/Add.11, paras. 7 and 11) concerning the need to strengthen the State party's coordination and monitoring mechanisms for the implementation of the Convention, the Committee welcomes the creation of the National System for the Integral Protection of Children, and the National Council on Children and Adolescents, and the enactment of the Organic Law on the National Children's Trust (Patronato Nacional de la Infancia-PANI) (1996).

1232. The establishment of the Ministry of Women's Affairs and the enactment of the Law against Domestic Violence (1996) and the Law on the Equality of Women are regarded as important contributions to the prevention and treatment of violence against children in general and as significant support to the improvement of the situation of girls in particular, in line with the Committee's recommendation (see CRC/C/15/Add.9 and 16).

(c) Factors and difficulties impeding further progress in the implementation of the Convention

1233. The Committee notes that poverty and socio-economic and regional disparities within the State party are still affecting the most vulnerable groups, including children, and hamper the enjoyment of the rights of the child.

(d) Principal subjects of concern and Committee recommendations

(i) General measures of implementation

a. Legislation and institutional reform

1234. Although the Committee welcomes the enactment of the Children and Adolescents Code (1998) and other related legislation, which are in line with the Committee's recommendation (see CRC/C/15/Add.11, para. 11), it remains concerned about the insufficient allocation of resources, both human and financial, to support the process of institutional reform necessary to guarantee the full implementation of this legislation. The Committee recommends that the State party continue taking effective measures to carry out the necessary institutional reform to guarantee the full implementation of the Children and Adolescents Code and other legislation related to the rights of the child. In this regard, the Committee encourages the establishment of the Children and Adolescents Protection Boards (Juntas de Protección a la Niñez y Adolescencia) as decentralized institutions to guarantee the implementation of the Code. Furthermore, the Committee recommends that the State party take all necessary steps, including international cooperation, to provide PANI and the Protection Boards with adequate financial and human resources to enable them to carry out their mandate in an effective manner.

b. Coordination and monitoring

1235. While noting the measures taken by the State party to establish adequate coordination between various entities dealing with issues relating to children, both at the national and local levels, the Committee is still concerned about the inadequate levels of representation of all actors and sectors in these coordination mechanisms. The Committee recommends that the State party take effective measures to guarantee broader representation of all actors involved in the implementation of the Convention in the existing coordinating and monitoring mechanisms (e.g., Council on Children and Adolescents, Children and Adolescents Protection Boards), including at the municipal level, in order to strengthen their role.

c. Data collection system

1236. With regard to the implementation of the Committee's recommendation (CRC/C/15/Add.11, para.12) concerning the need to develop a data collection system on children's rights, and taking into consideration the measures taken by the State party in this area, the Committee remains concerned about the lack of national disaggregated data on all the areas covered by the Convention. The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. Such a system should include all children under 18 years of age and specifically emphasize vulnerable groups of children as a basis for assessing progress achieved in the realization of children's rights and for helping design policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

d. Training for professionals

1237. While noting with appreciation the information on the conduct of training programmes for professionals working with and for children, the Committee is of the opinion that such measures need to be reinforced. The Committee recommends that the State party continue with its efforts to undertake systematic education and training programmes on the provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be sought in this regard.

e. Allocation of budgetary resources

1238. Although the Committee welcomes the adoption of National Plans of Action for Children and Adolescents and of the National Plan for Human Development, it remains concerned at the cuts in social expenditure in the national budget, as a result of the recent economic reforms, and at their negative impact on health, education and other traditional welfare areas for children. In the light of articles 2, 3 and 4 of the Convention, the Committee reiterates its recommendation (see CRC/C/15/Add.11, para. 13) and further recommends that the State party take effective measures to allocate the maximum extent of available resources for social services and programmes for children, and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups.

(ii) General principles

a. The right to non-discrimination

1239. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the manifestations of xenophobia and racial discrimination against immigrants, particularly children belonging to Nicaraguan families residing illegally in the State party's territory; at the marginalization of children belonging to indigenous populations and to the Black Costa Rican ethnic minority; and at the regional disparities, in particular between the developed Central Valley and the less developed coastal regions and border areas. The Committee recommends that the State party increase measures to reduce socio-economic and regional disparities; and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee also recommends that the State party undertake educational campaigns to raise awareness in order to prevent and combat discrimination on the grounds of gender, ethnic and/or national origin. In this regard, the Committee endorses the recommendations made by the Human Rights Committee (CCPR/C/79/Add.107) and the Committee for the Elimination of Racial Discrimination (CERD/C/304/Add.71).

b. Civil rights and freedoms

1240. The Committee notes with appreciation that the State party's domestic legislation has integrated provisions guaranteeing the participatory rights of children. However, it remains concerned that, in practice, these rights are not sufficiently implemented at the various levels of Costa Rican society. In the light of articles 12 to 17 and other related articles of the Convention, the Committee recommends that further efforts be made to ensure the implementation of the participatory rights of children, especially their rights to participate in the family, at school, within other institutions and in society in general. Awareness raising among the public at large, as well as educational programmes on the implementation of these principles, should be reinforced in order to change traditional perceptions of children as objects and not as subjects of rights.

1241. The Committee expresses its concern about the inadequate enforcement of the prohibition on the use of corporal punishment in schools and other institutions and in the penal system. In addition, the Committee expresses its concern that the practice of physical punishment of children in the home is not expressly prohibited by law and remains regarded as socially acceptable. The Committee recommends that the State party prohibit the use of corporal punishment in the home and take effective measures to enforce the legal prohibition of corporal punishment in schools and other institutions and in the penal system. The Committee further recommends that the State party undertake educational campaigns for the development of alternative disciplinary measures for children at home, in schools and other institutions.

1242. Although the Committee is aware that the State party's domestic legislation has included the right of the child to physical integrity (Children and Adolescents Code, art. 24) and that no cases of torture of children have been reported in the State party, concern is expressed at the lack of explicit legislation prohibiting the use of torture and that no sanction is provided in the legislation for those responsible for torture. In the light of article 37 (a), the Committee recommends that the State party include a provision in its domestic legislation prohibiting children from being subjected to torture and establishing appropriate sanctions against the perpetrators of torture.

(iii) Family environment and alternative care

a. Domestic and intercountry adoption

1243. The Committee notes the amendments to the State party's legislation on adoption, in line with the Committee's recommendation (see CRC/C/15/Add.11, para. 14). However, the current legislation on adoption does not seem to comply fully with the requirements of the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Costa Rica is a party. The Committee recommends that the State party take further measures to reform its legislation, in accordance with the requirements of the above-mentioned Hague Convention, to which Costa Rica is a party.

b. Child abuse, neglect, maltreatment and violence

1244. While the Committee takes note of the State party's efforts to prevent and combat cases of abuse and ill-treatment of children, it is of the opinion that these measures need to be reinforced. Concern is also expressed at the insufficient awareness regarding the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficient resources, both financial and human, as well as at the lack of adequately trained personnel, to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims, and their limited access to justice are also matters of concern. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced, in order to provide children with prompt access to justice and to avoid the impunity of offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF and international non-governmental organizations.

(iv) Basic health and welfare

a. Right to health and access to health services

1245. The Committee welcomes the State party's efforts to fulfil the goals set by the World Summit for Children. However, it remains concerned about regional inequalities in access to health services, as well as in immunization coverage and infant mortality rates. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children.

b. Adolescent health

1246. With regard to adolescent health issues (see CRC/C/15/Add.11, para. 16), while taking note of the measures taken by the State party in this field, the Committee remains concerned at the high and increasing rate of teenage pregnancies; at the insufficient access by teenagers to reproductive health education and counselling services, including outside school; and at the increasing rate of substance abuse among adolescents. The Committee recommends that the State party undertake effective measures to develop adolescent friendly health policies and strengthen reproductive health education and counselling services in order, inter alia, to prevent and reduce teenage pregnancies. The Committee also recommends that further efforts be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities, for adolescents. Measures to prevent and combat substance abuse among adolescents should be strengthened.

c. Children with disabilities

1247. While the Committee welcomes the fact that the State party has established a special programme to protect the rights of children with disabilities, it remains concerned at the lack of adequate infrastructure, the limited qualified staff and the specialized institutions for these children. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination against them, establish special education programmes and centres as needed and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

(v) Education, leisure and cultural activities

1248 With regard to education, the Committee welcomes the fact that the State party's budget allocation to education is one of the highest among developing countries and that measures are being taken, in cooperation with the World Bank (Basic Education Project), to improve primary education, specially for children living in rural and marginal areas. However, the Committee remains concerned that there is an increase in students' drop-out rates between primary and secondary school, due to the limited relevance of the school curricula, as well as to economic and social factors, such as the early insertion of children in the informal labour market. Concern is also expressed about discrepancies in access to education between urban and rural areas and the decrease in the quality of schools infrastructure. The Committee recommends that the State party continue with its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to establish retention programmes and vocational training for drop-out students. The Committee further recommends that the State party conduct continuous training programmes for teachers on human rights, including children's rights. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNESCO and UNICEF.

(vi) Special protection measures

a Children belonging to minority and indigenous groups

1249 The Committee remains concerned about the living conditions of children belonging to indigenous and ethnic minority groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. Concern is also expressed about the precarious situation of children belonging to Nicaraguan families illegally residing in the State party's territory. In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic minority groups, as well as children of Nicaraguan families in irregular situations, against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

b Economic exploitation

1250 While welcoming the measures taken for the elimination of child labour, the Committee is concerned that economic exploitation remains one of the major problems affecting children in the State party. The Committee expresses concern at the insufficient law enforcement and the inadequate monitoring mechanisms to address this situation. In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC to implement the national plan for the elimination of child labour and that it undertake all the actions envisaged in the Memorandum of Understanding signed between the State party and ILO/IPEC. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. In this regard, the Committee encourages the State party to ratify ILO

Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The Committee, finally, recommends that child labour laws should be fully enforced, labour inspectorates strengthened and penalties imposed in cases of violation.

c. Sexual exploitation and abuse

1251. The Committee expresses its concern at the high incidence of commercial sexual exploitation of children in the State party, apparently often related to sex tourism. In this regard, while the Committee appreciates the measures taken to prevent and combat sexual abuse and exploitation of children, such as the reforms of the Penal Code (Law 7899 of 1999) and the adoption of a plan of action to tackle this issue, it is of the opinion that these measures need to be reinforced. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to strengthening current policies and measures, including in the area of care and rehabilitation, in order to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

d. Administration of juvenile justice

1252. With regard to the administration of juvenile justice, the Committee welcomes the State party's measures to implement the Committee's recommendations (CRC/C/15/Add.11, para. 15). However, the Committee remains concerned, inter alia, that the new Law on Juvenile Justice (1996) has not yet been fully implemented; that there is an insufficient number of specialized judges; that there is only one specialized centre for children in conflict with the law; that there is a lack of adequate training for the police on the Convention and other relevant international standards; that a large number of children are placed in pre-trial detention; and that the penalties imposed on children in conflict with the law are disproportionately heavy in relation to the nature of the offences. The Committee recommends that the State party continue undertaking effective measures to overcome these and other obstacles in fully implementing its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In this regard, the Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

e. Dissemination of the report

1253. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

32. Concluding observations: The former Yugoslav Republic of Macedonia

1254. The Committee received the initial report of the former Yugoslav Republic of Macedonia (CRC/C/8/Add.36) on 4 March 1997 and considered the report at its 597th and 598th meetings (see CRC/C/SR.597-598), held on 17 January 2000 and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1255. The Committee welcomes the submission of the State party's initial report and the written answers to the list of issues (CRC/C/Q/MAC/1) submitted by the State party. The Committee notes with appreciation the constructive efforts made by the delegation to provide additional information in the course of the dialogue.

(b) Positive aspects

1256. The Committee is encouraged by the State party's establishment of an Ombudsperson for children's rights and notes the State party's progress in reducing infant and maternal mortality in recent years and the progress made in raising significantly the levels of enrolment of children to primary school.

1257. The Committee commends the State party for its efforts to support refugees from neighbouring countries and to protect the rights of children among the refugee communities.

(c) Factors and difficulties impeding the implementation of the Convention

1258. The Committee recognizes the continuing economic and political transitions within the State party, the serious armed conflicts which have emerged repeatedly in neighbouring States, the imposition of international sanctions upon parts of the region and the associated economic difficulties which hinder the full implementation of the Convention.

(d) Principal subjects of concern, suggestions and recommendations

(i) General measures of implementation

a. Legislation

1259. The Committee notes that, in accordance with article 118 of the Constitution, international agreements are incorporated in domestic legislation and are directly applicable. However, the Committee is concerned that the Constitution and other legislation, partly pre-dating the entry into force of the Convention on the Rights of the Child, do not appear to fully reflect the provisions and principles of the Convention. The Committee is concerned, further, that the Convention's principles and provisions are not reflected in policy and administrative practice.

1260. The Committee urges the State party to review its legislation and adopt appropriate amendments, to ensure conformity with the Convention. In addition, the Committee recommends that the State party make further efforts to ensure that the provisions and principles of the Convention are reflected, applied and enforced in State policy and administrative practices.

b. Coordination/independent monitoring structures

1261. The Committee is concerned that there is no mechanism responsible for the coordination and evaluation of the implementation of the Convention.

1262. The Committee recommends that the State party allocate principal responsibility for the coordination and evaluation of implementation of the Convention to a single mechanism.

1263. While the Committee is encouraged by the State party's efforts to develop projects focusing on children, the Committee wishes to emphasize the importance for the State party of developing an overall national plan of action for the effective implementation of children's rights, and that individual projects should each form a part of a larger strategy.

1264. The Committee recommends that the State party develop a cross-ministerial plan of action for the implementation of children's rights, pursue implementation of the various projects referred to in the State party's report and ensure coordination of policy-making and implementation. The Committee further urges the State party to adopt a holistic child rights approach to implementing the Convention and to consider seeking technical assistance from UNICEF in this domain.

c. Allocation of budgetary resources/regional disparities

1265. The Committee recognizes the hardship imposed by the current socio-economic difficulties in the State party and expresses its concern over the impact that the financial situation may have on children, including, notably, those from poor families. The Committee also notes, with concern, that there are significant regional disparities with regard to the extent to which children benefit from the respect of their rights.

1266. In the light of articles 2, 3 and 6 of the Convention, and with a view to achieving full application of article 4, the Committee urges the State party to make every effort to protect children's rights from the negative effects of the current economic situation, including through the prioritization of budgetary allocations in a manner which ensures the best possible implementation of the Convention and to the maximum extent of the State party's available resources. In this regard, the Committee further recommends that the State party give particular attention to the situation of children of poor families and from regions experiencing particular economic difficulties.

d. Cooperation with NGOs

1267. The Committee encourages the State party to increase its support for, and cooperation with, NGOs with regard to implementation of the Convention.

e. Dissemination of the Convention

1268. In the light of article 42 of the Convention and recognizing the State party's efforts to disseminate human rights, including children's rights, in schools and to specific professional groups, the Committee urges the State party to make additional efforts to disseminate the Convention, to provide training on its provisions for professionals, including law officials, teachers and health workers, and to provide teaching on its provisions to the adult population. The Committee recommends that the State party consider seeking technical advice from UNICEF in this regard.

(ii) General principles

a. Principle of non-discrimination

1269. The Committee is concerned that under the current arrangements with regard to the "three child policy", children from families with more than three children are at a disadvantage with regard to access to social service, financial and other assistance.

1270. In the light of article 2 of the Convention, the Committee recommends that the State party find alternative means to implement the three child policy, other than excluding the fourth child from social service benefits, and ensure that all children have equal access to such assistance without discrimination.

b. Principle of the best interests of the child

1271. The Committee welcomes the information provided in the State party's answers to the list of issues concerning implementation of the best interests principle and encourages the State party to continue to integrate the principle into all legislative and administrative practices, and to review its decision-making and implementation procedures so as to ensure that the best interests of the child are a primary consideration.

c. The right to have views heard and given due weight

1272. Recognizing the provisions in domestic legislation protecting the child's rights to have views heard, the Committee remains concerned that implementation of this right is not adequately reflected in administrative policy and practice, including in the activities of the Centres for Social Work.

1273. In the light of article 12 of the Convention and recognizing the progress made by the State party in respecting the right of children to have their views heard through the children's parliament and in schools, the Committee recommends that the State party continue to take all appropriate measures to ensure that children are provided with appropriate opportunities to express their views and that these are given due weight, in accordance with the provisions of the Convention.

(iii) Civil rights and freedoms

a. The right to birth registration

1274. The Committee is concerned that, in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth and is further concerned at the fact that a large proportion of unregistered births are of Roma children. The Committee recalls that official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the State of birth or in another State, and to gaining access to social assistance, health, education and other services.

1275. In the light of article 7 of the Convention, the Committee urges the State party to make every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation.

b. Corporal punishment

1276. Recognizing the State party's efforts to end corporal punishment practices in schools, the Committee is nevertheless concerned that such practices have not been entirely ended in schools and also continue outside of the school context.

1277. The Committee urges the State party to continue its efforts to end corporal punishment practices in schools, to monitor and record the use of corporal punishment against children in all contexts, and to make every effort to prevent the practice of corporal punishment including through its prohibition by law. The Committee further encourages the State party to undertake campaigns to raise the awareness of parents, in particular, of the harmful effects of corporal punishment.

(iv) Family environment and alternative care

1278. The Committee expresses its concern that in decisions with regard to the family environment and the alternative care of children the principles of the Convention are not always fully respected.

1279. The Committee recommends that the State party further develop legislation supporting foster care, and that the State party strengthen community services in favour of families with economic, social or other difficulties and families caring for children with disabilities and with emotional or behavioural problems, in a manner which assures greater respect for the principles of the Convention.

1280. The Committee is concerned that incidents of sexual abuse and family violence may not be adequately identified and addressed.

1281. The Committee recommends that the State party conduct training for the police and the staff of the Centres for Social Work on the detection of child abuse and domestic violence, and on suitable responses.

1282. The Committee is concerned that the Centres for Social Work are under-resourced, limiting their capacity to perform their many functions effectively, including those in favour of children. The Committee is further concerned that the Centres for Social Work are currently authorized to make decisions relative to the placement of a child with one parent, without judicial review.

1283. The Committee urges the State party to consider the use of alternative mechanisms with regard to implementation of the Convention's provisions concerning the family environment and alternative care or to increase the resources available to the Centres for Social Work. Recognizing the existence of an appeals procedure under current arrangements, the Committee nevertheless recommends that the State party establish a mechanism providing for judicial review of situations requiring the placement of a child with one parent.

(v) Basic health and welfare

1284. Recognizing the State party's efforts to provide financial and other assistance to ensure the access of children to health care, the Committee is nevertheless concerned that not all children have equal and adequate access to health care including, notably, children from regions facing particular economic hardship. Further, the Committee is concerned that the State party's policy of requiring adolescents aged 15 to 18 to make financial contributions to their health-care costs may limit their access to health care, including sexual health education.

1285. The Committee urges the State party to continue its efforts to ensure that all children, and from all regions, have equal access to health-care services. The Committee further recommends that the State party review policies requiring 15- to 18-year-olds to share costs, and to ensure that these policies do not restrict the access of adolescents to full health care.

a. Children with disabilities

1286. While aware of the State party's efforts to integrate children with disabilities into formal education and into regular recreation programmes, the Committee remains concerned that children with disabilities remain excluded from many such activities. With regard to children with disabilities requiring additional facilities, the Committee is concerned by the quality of educational, health and other facilities available, inter alia, facilities providing access to schools.

1287. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), the Committee recommends that the State party make further efforts to integrate children with disabilities into educational and recreational programmes currently used by children without disabilities. With particular reference to article 23 of the Convention, the Committee further recommends that the State party continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools, review the facilities and assistance available to children with disabilities and in need of special services, and improve these services in accordance with the provisions and spirit of the Convention.

1288. With reference to article 23, paragraph 3, of the Convention, the Committee further encourages the State party to strengthen its efforts to benefit from international cooperation, including from UNICEF, in favour of children with disabilities, with a view to improving State policy and action.

b. Infant mortality

1289. Recognizing the progress made in reducing infant mortality, the Committee, nevertheless, acknowledges the State party's recognition of, and expresses its own concern at, the continuing elevated incidence of such mortality.

1290. Noting the correlation, identified by studies, between low education among mothers and high infant mortality, and between the incidence of such mortality and certain regions, the Committee urges the State party to continue its efforts to address this concern, inter alia, through the effective provision of adequate health education to mothers. The Committee recommends that the State party seek technical assistance from UNICEF and WHO in this regard.

c. HIV/AIDS

1291. Recognizing the State party's significant efforts to address health concerns related to HIV/AIDS, the Committee is concerned that such efforts be maintained in the interests of preventing the spread of HIV/AIDS.

1292. The Committee recommends that the State party continue with its current efforts to address HIV/AIDS concerns, including through the continuous use of effective monitoring and prevention mechanisms. The Committee recommends that the State party seek technical assistance in this regard from WHO.

d. Adolescent health/pregnancy among girls

1293. Acknowledging the State party's recognition of problems in the area of adolescent and sexual health issues, the Committee joins the State party in expressing concern, in particular at the high level of abortions among girls and at the incidence of sexually transmitted diseases.

1294. The Committee urges the State party to strengthen data collection methods with regard to adolescent health concerns. The Committee recommends, further, that the State party increase its efforts to promote adolescent health policies and strengthen reproductive health education and counselling services, inter alia with regard to HIV/AIDS, STDs, pregnancy among girls and abortion. The Committee recommends that the State party seek technical assistance from WHO.

(vi) Education, leisure and cultural activities

a. The right to education

1295. The Committee acknowledges the recent marked increases in the enrolment of children in primary schools and other increases in secondary and university enrolment. However, the Committee remains concerned that a significant proportion of school-aged children do not attend primary and, notably, secondary school. Specifically, the Committee is concerned at the low proportion of girls in general, and children from the Roma minority in particular, who enroll in educational establishments at all levels, and at the low numbers of children from all minority groups who enrol at the secondary school level. The Committee is concerned, further, at the extremely high drop-out rates of girls from primary and secondary education.

1296. The Committee recommends that the State party pursue its efforts to increase the enrolment levels of all children from minorities in primary and secondary schools, with special attention to girls in general and children from the Roma minority in particular.

1297. The Committee recognizes the State party's significant efforts to make primary and secondary education available in minority languages, but expresses its concern that many primary and secondary schools are under-resourced and, in particular, that primary and secondary school education available in minority languages is of a lower standard than that available in the Macedonian language. The Committee notes, further, the inevitable effect of poor primary and secondary education in discouraging enrolment, raising the number of children who drop out and in limiting the numbers of children from minorities who are able to pass examinations leading to university education.

1298. With reference to articles 2 and 28 of the Convention on the Rights of the Child, and with a view to ensuring an equal standard of educational services in all schools, to encouraging increased enrolment, to discouraging children from dropping out and to increasing the numbers of children from minorities who follow higher education, the Committee recommends that the State party review the allocation of financial and other resources to all primary and secondary schools, with particular attention to raising the quality of education in minority language schools. The Committee recommends, in addition, that the State party consider increasing the numbers of hours of teaching of the Macedonian language in minority language schools, on a voluntary basis, with a view to ensuring that children who are minority language speakers are able to participate on a more equal level with Macedonian-speaking children at higher education levels at which entrance examinations and teaching are conducted primarily in the Macedonian language. The Committee suggests further that the curricula in all schools should include a greater focus on the personal development and vocational training of students and on inter-ethnic tolerance. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.

(vii) Special protection measures

a Administration of juvenile justice

1299 The Committee is concerned at the absence, in the State party report, of information on principles of judicial sentencing of juveniles and data on the existence and use of alternatives to imprisonment as a sentencing option for Juvenile Councils.

1300 The Committee recommends that the State party consider relevant reforms of juvenile justice policy and practice in accordance with articles 37 and 40 and 39 of the Convention on the Rights of the Child, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular with a view to ensuring that detention and imprisonment are used only as a measure of last resort, for example by developing alternative measures.

1301 Recognizing the existence of psychological assistance facilities under the auspices of the Centres for Social Work, the Committee, nevertheless, remains concerned at the absence of measures to provide for the physical and psychological recovery and reintegration of children who have been the victims of crime, and of children who have participated in judicial proceedings or who have been confined in institutions.

1302 In the light of article 39 of the Convention, the Committee recommends that the State party urgently establish appropriate programmes to provide for the physical and psychological recovery and reintegration of such children and that these mechanisms be used in the administration of juvenile justice.

b Child labour/commercial exploitation

1303 The Committee is concerned at the reported incidence of child labour within the State party, and notes that the labour of children under 15 may also prevent these children from attending primary school and is particularly prevalent among certain minority groups.

1304 The Committee recommends that the State party collect and publish data on the incidence of child labour, both under the age of 15 and between the ages of 15 and 18. The Committee also recommends that the State party address cases of economic exploitation of children, in particular street children, including through the enforcement of primary school attendance obligations and through efforts to raise secondary school attendance. The Committee further suggests that the State party ratify International Labour Organization's Convention No. 138, Concerning the Minimum Age for Admission to Employment (1973), and No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

c. Drug abuse

1305. The Committee acknowledges the State party's recognition of, and expresses its own concern at, recent increases in drug abuse among children.

1306. The Committee recommends that the State party continue to monitor the incidence of drug abuse among children, proceed with preventive measures and make appropriate rehabilitative and other assistance available to children who are already addicted to drugs.

d. Children of minorities or of indigenous groups

1307. While recognizing the State party's efforts to ensure equal enjoyment of rights for children from minority communities, the Committee remains concerned that children from some minority populations, and the Roma in particular, do not enjoy full respect of their rights.

1308. The Committee encourages the State party to continue its efforts to ensure the equal implementation of the Convention for all children and to make every effort to ensure that the children of minorities are able to benefit fully from the Convention's principles and provisions. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.

e. Dissemination of the report, written answers, concluding observations

1309. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

33. Concluding observations: Armenia

1310. At its 603rd and 604th meetings (see CRC/C/SR.603-604), held on 20 January 2000, the Committee on the Rights of the Child considered the initial report of Armenia (CRC/C/28/Add.9), which was submitted on 19 February 1997, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1311. The Committee regrets that the State party report (CRC/C/28/Add.9) was not prepared according to the Committee's guidelines for initial reports. In particular, apart from in the spheres of health, welfare and education, there are significant gaps in information relating to general measures of implementation, general principles, civil rights and freedoms, and special protection measures. The Committee notes the timely submission of the written answers to the list of issues (CRC/C/Q/ARM/1) and the high level of the delegation in attendance, which enabled a constructive dialogue to take place. Moreover, the Committee appreciated the frank and open nature of the dialogue.

(b) Positive aspects

1312. The Committee welcomes the adoption of the 1996 Rights of the Child Act, which demonstrates the commitment of the State party to its obligations under the Convention.

1313. The Committee notes that the State party is party to the six major international human rights instruments.

1314. The Committee welcomes the establishment of the Human Rights Commission and the Gender Commission. It further welcomes the preparatory work towards the establishment of an Ombudsman.

(c) Factors and difficulties impeding the implementation of the Convention

1315. The Committee notes that during the past few years the State party has had to face serious economic, social and political challenges posed by the transition to a market economy, including increased unemployment and poverty.

1316. The Committee also notes the major socio-economic problems experienced as a consequence of armed conflict. It takes particular note of the large population of refugees and displaced persons. Moreover, the Committee notes that the consequences of the 1988 earthquake have had a serious impact on the welfare of the population, negatively affecting 40 per cent of the territory and approximately one third of the population, including children.

(d) Principal subjects of concern and Committee recommendations

(i) General measures of implementation

a. Legislation

1317. While the Committee takes note that the 1996 Rights of the Child Act reflects some principles and provisions of the Convention, it nevertheless remains concerned that other relevant laws are not in full conformity with the Convention, and that disparities exist between law and practice.

1318. The Committee recommends that the State party pursue efforts to ensure full compatibility of its legislation with the Convention, based on a child rights approach and taking due account of the principles and provisions of the Convention. The Committee recommends greater steps be taken to ensure that these measures are fully implemented.

b. Coordination

1319. The Committee is concerned that the lack of administrative coordination and cooperation at the national and local levels is a serious problem in the implementation of the Convention.

1320. The Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention.

c. Independent/monitoring structures

1321. The Committee is concerned at the absence of a mechanism to collect and analyse disaggregated data on persons under 18 years in all areas covered by the Convention, including the most vulnerable groups (i.e. children with disabilities, children born out of wedlock, children who are living and/or working in the streets, children affected by armed conflicts, children living in rural areas, refugee children and children belonging to minority groups).

1322. The Committee recommends that the State party develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF, in this regard.

1323. The Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels. In this regard, the Committee welcomes the State party's intention to establish a national commission for children.

1324. The Committee encourages the State party to establish a statutory, independent national commission for children with the mandate of, inter alia, regularly monitoring and evaluating progress in the implementation of the Convention. Further, such a commission should be adequately empowered, composed and resourced so as to effectively take the lead in the process of implementing the Convention.

d. Allocation of budgetary resources

1325. The Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of economic, social and cultural rights of children.

1326. The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels, where needed within the framework of international cooperation.

e. Cooperation with NGOs

1327. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited. It is also concerned about the difficulties involved in the system of official registration of NGOs.

1328. The Committee encourages the State party to consider a systematic approach, involving NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making. Furthermore, the Committee recommends that the State party provide the necessary support to NGOs to facilitate and accelerate the registration process.

f. Training/dissemination of the Convention

1329. The Committee notes the low level of awareness of the Convention amongst the general public, including children, and professionals working with children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

1330. In this regard, the Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

(ii) Definition of the child

1331. The Committee is concerned about the disparities existing in legislation relating to minimum-age requirements, such as the minimum age for admission to employment (e.g. under the Civil Code and the 1996 Rights of the Child Act).

1332. The Committee recommends that the State party review its legislation with a view to ensuring that age limits conform to the principles and provisions of the Convention, and that it make greater efforts to enforce those minimum-age requirements.

(iii) General principles

a. The right to non-discrimination

1333. Noting that discrimination is prohibited under the law, the Committee, in line with the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1), the Human

Rights Committee (CCPR/C/79/Add.100) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), is concerned that de facto discrimination on the grounds of gender persists. Moreover, the Committee is concerned at the discrepancies in the enjoyment of rights in relation to certain vulnerable groups: children with disabilities, children living in rural areas, refugee children, children from poor families, children living and/or working on the streets, and those living in institutions.

1334. The Committee recommends that the State party make concerted efforts at all levels to address social inequalities through a review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. The Committee encourages the State party to ensure the effective enforcement of protective laws, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, to sensitize society to the situation and needs of children within the society and particularly within the family, where needed within the framework of international cooperation.

b. Respect for the views of the child

1335. In the light of article 12 of the Convention, the Committee is concerned that this general principle is not adequately reflected in the 1996 Rights of the Child Act. Moreover, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

1336. The Committee encourages the State party to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop training programmes in community settings for teachers, social workers and local officials in assisting children to make and express informed decisions and to have their views taken into consideration.

(iv) Family environment and alternative care

a. Children deprived of a family environment

1337. The Committee expresses deep concern over the prevailing policies and practices of institutionalization in Armenia. In particular, the Committee is concerned that institutionalization, quite apart from being an alternative for children deprived of their parents, is effectively a substitute for parents who do not have the means to maintain their children. Moreover, the Committee is concerned at the high numbers of children in institutions, and the living conditions there. The Committee is concerned that these institutions are inadequately organized to provide a family environment, to support family ties or to meet the individual needs of each child; and that few community services are available to assist the parents to resolve the problems that force them to seek admission of their children. In the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitor or follow up of the situation of children in institutions.

1338. Noting that the State party is considering draft codes of practice and regulations concerning placement of and institutional assistance to children deprived of a family environment, the Committee nevertheless recommends that the State party formulate and implement a national policy of de-institutionalization of children. The Committee recommends that the State party increase and promote the use of alternatives to institutionalization, such as community-based programmes to assist parents and foster care. In the event of the closure of institutions, consideration needs to be given to the planning and provision of substitute services for children who could be displaced by such closures. The Committee recommends further training of personnel in institutions. The Committee recommends that regular periodic review of placement be instituted and that mechanisms be established to evaluate and monitor the conditions in these institutions.

b. Adoption

1339. The Committee is concerned about the absence of national standards and statistics on foster care and adoption. The Committee is concerned that, with the current informal system of foster care, there is no established mechanism to review, monitor and follow up placement of children. Similarly in relation to adoption, the Committee is concerned about vague adoption procedures and the absence of mechanisms to review, monitor and follow up adoptions.

1340. Noting that the State party is considering draft codes of practice in relation to national and intercountry adoption, the Committee encourages the State party to establish a comprehensive national policy and guidelines governing foster care and adoption, and to establish a central monitoring mechanism in this regard. The Committee recommends that the State party accede to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption.

c. Violence/abuse/neglect/maltreatment

1341. The Committee reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1) and the Human Rights Committee (CCPR/C/79/Add.100) that the State party has failed to acknowledge and address the matter of domestic violence. Notwithstanding protection under the Rights of the Child Act, the Committee expresses its concern at the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family. Limited access to complaints mechanisms and the insufficiency of rehabilitation measures for such children are also matters of concern to the Committee.

1342. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions are prohibited. Programmes for the rehabilitation and reintegration of abused children need to be strengthened and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment. The Committee recommends that the State party launch awareness-raising campaigns on the ill-treatment of children and its negative consequences. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of cases of ill-treatment.

(v) Basic health and welfare

a. Children with disabilities

1343. While noting the protection afforded to children with disabilities under the 1996 Rights of the Child Act, the Committee is nevertheless concerned at the prevailing poor situation of children with disabilities, who are often institutionalized.

1344. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General Discussion on Children with Disabilities (CRC/C/69), the Committee encourages the State party to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The Committee encourages the State party to undertake a comprehensive national study on the situation of children with disabilities. Awareness campaigns, which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate training should also be made available to persons working with these children, and the State party is encouraged to develop special education programmes for children with disabilities. The Committee encourages the State party to undertake greater efforts to make available the necessary resources, and to seek assistance from inter alia UNICEF and WHO, and relevant NGOs.

b. Right to health and health services

1345. The Committee wishes to reiterate the concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39) with regard to the deterioration in the health of the Armenian people, especially women and children, and decreasing budgetary allocations in this sector. The Committee's concerns include the deterioration in the quality of care; inadequate prenatal and neonatal care; poor nutrition; that the cost of care is a barrier to access to health care for poor households; and that abortion is the most commonly used means of family planning.

1346. The Committee recommends that the State party increase allocation of resources towards an effective primary health-care system. The Committee recommends that the State party continue its efforts to distribute food to the poorest sections of society; expand use of iodized salt; and establish family planning programmes. The State party is encouraged to continue cooperation with and seek assistance from, inter alia, UNICEF, WHO, the World Food Programme and civil society.

1347. With regard to adolescent health, the Committee is concerned at the high and increasing rate of teenage pregnancies, and the consequent high rate of abortions among girls under 18, especially illegal abortions; and the rise in rates of STDs and spread of HIV. Although parents play the most important role in this regard, nevertheless cultural attitudes, and lack of personal knowledge and communication skills on the part of parents are barriers to accurate reproductive health information and counselling.

1348. The Committee recommends that the State party undertake a comprehensive study on the nature and extent of adolescent health problems, to be used as a basis for formulating adolescent health policies. In the light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, and child-friendly counselling and rehabilitation services.

1349. The Committee expresses its concern at the high incidence of environmental threats, including contamination of water supplies, which have a negative impact on the health of children. The Committee is concerned that there is insufficient data on access to clean water and sanitation.

1350. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee encourages the State party to collect data on access to clean water and sanitation.

c. Right to an adequate standard of living

1351. The Committee is concerned about the situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia.

1352. The Committee recommends the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party undertake a study on the nature and extent of the phenomenon.

(vi) Education, leisure and cultural activities

a. Right and aims of education

1353. In line with the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), the Committee is concerned at the decline in budgetary allocation to the education sector, and the deterioration in the quality of education. The Committee remains concerned at the persistence of high drop-out, repetition and absenteeism rates, as well as poor access to education in rural areas. Moreover, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.51), the Committee expresses its concern that the requirement for teaching in the Armenian language may in practice deny full access to education to ethnic and national minorities. The Committee is also concerned that low wages have forced teachers to offer private tuition, creating a two-tier system of education.

1354. The Committee recommends that the State party take all necessary measures to allocate the required resources (i.e. human and financial) to improve access to education for the most vulnerable groups of children, and to ensure that the quality of education is monitored and guaranteed. The Committee also recommends that the State party strengthen its educational policies and system in order to establish retention programmes and vocational training for drop-out students. The Committee recommends that greater efforts be directed to improving the quality of teacher training programmes and improving the school environment. The Committee recommends that the State party pay due regard to the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee encourages the State party to seek assistance from, inter alia, UNICEF, UNESCO and relevant NGOs.

(vii) Special measures of protection

a. Unaccompanied, asylum seeking and refugee children

1355. While the Committee welcomes the State party's openness towards refugees from neighbouring States, it remains concerned at the limited enjoyment of their rights by refugee, asylum seeking and unaccompanied children.

1356. The Committee recommends that the State party increase efforts to implement the 1998 Refugee Law and adopt implementing sub-legislation. Given that the requirement of housing registration may be a barrier to naturalization for refugees, the Committee recommends that the State party continue efforts to facilitate naturalization through de facto residence registration, as well as easing the procedure and eligibility for regular housing registration. The Committee recommends that the State party establish special status determination procedures for unaccompanied children, and provide documentation to legalize stay in Armenia for asylum-seekers. The Committee recommends that the State party prevent the recruitment of refugees into the military. The Committee recommends that the State party continue its efforts to teach the Armenian language to refugee children and to address the trend of school drop-out among refugee adolescents. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF to address the limited health, education and rehabilitation services available for refugee children, especially those residing in remote areas.

b. Children and armed conflict, and their recovery

1357. The Committee expresses its concern at the negative impact of recent armed conflicts on children. In addition, the Committee is concerned about the alleged conscription of young children into the State party's armed forces.

1358. In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children in armed conflict, and provide care and physical rehabilitation and psychological recovery measures for these children. The Committee also recommends that the State party refrain from conscripting children into the armed forces.

c. Economic exploitation

1359. The Committee is concerned that the negative effects of the current economic crisis has resulted in an increasing number of children dropping out of school and taking up work. The Committee also expresses its concern at the existence of children working in the informal sector, especially in agriculture, many of whom are working in hazardous conditions. The Committee is concerned that there is little awareness about the negative consequences of child labour and that there are inadequate measures to address it in Armenia.

1360. The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of child labour. The Committee recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards; and to involve and train employers', workers' and civic organizations; government officials, such as labour inspectors and law enforcement officials, and other relevant professionals. The State party should seek cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs in this regard. It is also recommended that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

d. Drug abuse

1361. The Committee is concerned about the increasing use and traffic in illicit drugs, and the alarming rates of tobacco use among persons under 18 years.

1362. The Committee recommends that the State party develop a national drug control plan, or a Master Plan, with the guidance of United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to continue its efforts to provide children with accurate and objective information about substance use, including tobacco use; and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse. The Committee recommends cooperation with and assistance from WHO and UNICEF.

e. Sexual exploitation and sexual abuse

1363. The Committee is concerned at the insufficient data and awareness of the phenomena of sexual abuse and exploitation of children in Armenia, and the absence of a comprehensive and integrated approach to prevent and combat these phenomena.

1364. The Committee recommends that the State party undertake a national study on the nature and extent of sexual abuse and sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress.

The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether local or foreign, while ensuring that the child victims of these practices are not penalized. The Committee recommends that the State party ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need for trained personnel. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, involving cooperation with neighbouring countries.

f. Administration of juvenile justice

1365. The Committee is seriously concerned at the absence of a system of juvenile justice in Armenia, in particular the absence of special laws, procedures and juvenile courts. The Committee expresses its concern at the length of pre-trial detention and the limited access to visitors in this period; the use of detention not as a measure of last resort; the often disproportionate length of sentences in relation to the seriousness of offences; conditions of detention; and the fact that juveniles are often detained with adults. The Committee is also concerned at the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

1366. The Committee recommends that the State party take all measures to fully integrate into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that the deprivation of liberty is only used as a measure of last resort, that children have access to legal aid and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed.

1367. The Committee recommends that the State party take into account the recommendations adopted at its Day of General Discussion on the Administration of Juvenile Justice (CRC/C/46). Furthermore, the Committee recommends that the State party seek assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

(viii) Dissemination of the report

1368. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

34. Concluding observations: Peru

1369. The Committee considered the second periodic report of Peru (CRC/C/65/Add.8), submitted on 25 March 1998, at its 605th and 606th meetings (see CRC/C/SR.605 and 606), held on 21 January 2000, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1370. The Committee welcomes the wealth of information provided in the State party's second periodic report. Although no explicit reference to the Committee's previous recommendations is contained in the report, the numerous activities mentioned in it are follow-up measures to these recommendations. The Committee notes the submission of the written answers to the list of issues (CRC/C/Q/PER/2), although not in time for the Committee to take them fully into account during the dialogue with the State party. The Committee notes with appreciation that the quality of the State party's delegation allowed not only for an open and frank dialogue but also provided the Committee with precise and valuable additional information about the implementation of the Convention in the State party.

(b) Follow-up measures undertaken and progress achieved by the State party

1371. The launching of initiatives such as the National Strategy to Combat Poverty (1995-2000) and the National Programme of Action for Children (1996-2000), as well as the development of regional children's plans of action, are regarded as positive measures in line with the Committee's recommendations (see A/49/41, para. 163).

1372. The Committee welcomes the participation of non-governmental organizations in the process of elaboration of the State party's second periodic report as well as in other projects and programmes for children, in line with the Committee's recommendation (ibid., para. 159).

1373. The translation of the Convention into Quechua, one of the official languages in the State party, is also regarded as a positive measure in line with the Committee's recommendation (ibid., para. 165).

1374. The State party's accession to the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women, the enactment of Law 26260 for protection against domestic violence, and of Law 27055 containing reforms criminalizing sexual violence issues are regarded as positive steps to combat violence against children and for the treatment of victims, in line with the Committee's recommendation (ibid.).

1375. The Committee welcomes the State party's accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction.

1376. In light of its concern on the situation of child labour (ibid., para. 156), the Committee welcomes the signing of a memorandum of understanding between the State party and the International Labour Organization (ILO)/International Programme for the Elimination of Child Labour (IPEC) as well as the activities undertaken under this programme.

(c) Factors and difficulties impeding further progress in the implementation of the Convention

1377. The Committee notes that widespread poverty and long-standing economic and social disparities are still affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party.

1378. While noting the decrease in political violence and terrorist activities, the Committee notes with concern that the consequences of these activities are still having a negative impact on the life, survival and development of children in the State party.

(d) Principal subjects of concern and recommendations of the Committee

(i) General measures of implementation

a. Legislation

1379. While the Committee welcomes the implementation of the Children and Adolescents Code (1993), it remains concerned about the application of Decree 895 (Ley contra el Terrorismo Agravado) and Decree 899 (Ley contra el Pandillaje Pernicioso), both establishing lower legal minimum ages for criminal responsibility than the one contained in the Code and therefore not in line with the principles and provisions of the Convention. In this regard, the Committee takes note of the enactment of Law 27235, which modifies Decree 895, transferring the jurisdiction of cases of terrorism from military to civilian courts, but retaining the provision regarding lower legal ages of criminal responsibility. The Committee recommends that the State party consider developing alternative measures and programmes to deal with the problems addressed by Decrees 895 and 899 in order to bring them into line with the Convention on the Rights of the Child and the Children and Adolescents Code.

b. Coordination and monitoring

1380. While welcoming the follow-up measures taken to improve the coordination and monitoring of the implementation of the Convention, such as the establishment of the Ministry for the Enhancement of Women and Human Development (PROMUDEH) and the Commission for the Coordination of the National System for Comprehensive Care of Children and Adolescents (known as the Ente Rector), the Committee is of the opinion that further efforts are needed to strengthen the role of these mechanisms. The Committee recommends that the State party continue taking measures to strengthen the Ente Rector by providing it with adequate financial and human resources to carry out its mandate in an effective manner. The Committee encourages the State party to continue with its process of decentralization of the Ente Rector in order to ensure the monitoring of the implementation of the Convention throughout all the provinces of the State party's territory. In this regard, the Committee recommends that the State party take effective measures to guarantee broader representation in the Ente Rector, including at the municipal level, in order to strengthen its role.

c. Local structures for the defence of children's rights

1381. The Committee welcomes the establishment of Children and Adolescents Defence Centres, but it remains concerned about the limited capacity of these new entities, their limited presence in the highland provinces, the poor qualifications of the staff and the inadequate level of their financial resources. The Committee recommends that the State party continue with its efforts to strengthen the mandate of the Children and Adolescents Defence Centres. The Committee also recommends that the State party provide the Centres with adequate levels of financial and human resources to carry out their mandate in an effective manner.

d. Data-collection system

1382. While taking note of the statistics on the situation of children contained in the annexes to the State party's report and the efforts undertaken for the monitoring of the National Plan of Action for Children, the Committee remains concerned about the lack of disaggregated data for all areas covered by the Convention. The Committee recommends that the State party continue reviewing and updating its data-collection system, with a view to including all areas covered by the Convention. In this regard, the Committee encourages the State party to use the information provided by its next population census as a basis for the development of disaggregated data on children's rights. Such a system should include all children under 18 years of age, specifically emphasizing the situation of vulnerable groups of children, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention. Furthermore, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

e. Allocation of budgetary resources

1383. While acknowledging the measures taken in the areas of health and education, the Committee remains concerned about the limitations imposed, owing to budgetary restrictions, on the full implementation of social programmes for children, in particular the National Plan of Action for Children. The Committee reiterates its recommendation (ibid., para. 163) that such measures should be undertaken "to the maximum extent of [...] available resources" in light of articles 2, 3 and 4 of the Convention and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups. The Committee further recommends that the State party develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty in order to give priority to budget allocations for these groups of children. In this regard, the Committee encourages the State party to seek technical assistance from, inter alia, UNICEF.

(ii) General principles

a. The right to non-discrimination

1384. While welcoming the adoption of special programmes, within the National Plan of Action for Children, for the protection of the rights of the most vulnerable children, the Committee is of the opinion that these measures need to be reinforced. Concern is expressed at the existing patterns of gender and racial discrimination; at the marginalization of children belonging to indigenous populations; and at the precarious situation of children from the rural highlands and the Amazonia region, especially regarding their limited access to education and health services. In light of its recommendation (ibid., para. 154), the Committee further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.

b. Best interests of the child

1385. The Committee takes note of the efforts made by the State party for the implementation of the principle of "best interests of the child" (art. 3) in the judicial and other administrative procedures. The Committee is of the opinion that these measures need to be strengthened. The Committee recommends that further efforts be made to ensure the implementation of the principle of "best interests of the child". This principle should also be reflected in all policies and programmes relating to children. Awareness-raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children who are too often regarded as objects (Doctrina de la Situación Irregular) rather than subjects of rights.

c. Right to life, survival and development

1386. While the Committee notes with appreciation the establishment of special programmes for children belonging to families who have been displaced as a result of political violence and terrorism, the Committee remains concerned about the short- and long-term consequences of the decreasing but still prevailing climate of violence in several regions of the State party's territory (emergency zones), which threatens the development and right to life of children. The Committee reiterates its recommendation (ibid., para. 160) that the State party continue taking effective measures to protect children against the negative impact of internal violence, including the establishment of rehabilitation measures for child victims of this violence.

(iii) Civil rights and freedoms

a. Birth registration

1387. With regard to the Committee's recommendation (ibid., para. 161) to ensure birth registration in areas affected by internal violence, the Committee welcomes the State party's efforts in this area but is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. In light of article 7 of the Convention, the Committee recommends that the State party continue with its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

b. Respect for the views of the child and other participatory rights of children

1388. Although the Committee welcomes the establishment of initiatives to promote children's participatory rights, such as PROMUDEH's Network of Adolescent Leaders, it is of the opinion that these efforts need to be improved and strengthened. In light of articles 12 to 17 of the Convention, the Committee recommends that further measures be undertaken to promote the participation of children in the family, at school and in other social institutions, as well as to guarantee the effective enjoyment of their fundamental freedoms, including those of opinion, expression and association.

(iv) Family environment and alternative care

a. Children deprived of a family environment

1389. While the Committee welcomes the measures taken to comply with the Committee's recommendation (ibid., paras. 154 and 163), it is still concerned about the insufficient alternative care available for children deprived of a family environment. The Committee recommends that the State party continue developing alternative measures to institutional care of children, in particular by promoting foster care. The Committee further recommends that the State party reinforce its monitoring and evaluation system to ensure the adequate development of children living in institutions and to continue taking measures to review periodically the placement and treatment of children as enshrined in article 25 of the Convention.

b. Protection from abuse, neglect and violence

1390. The Committee welcomes the legislative reforms aiming at preventing and combating domestic violence, but it remains concerned that physical and sexual abuse of children - within and outside the family - is a widespread phenomenon in the State party. In light of, inter alia, articles 3, 6, 19, 28 (2) and 39 of the Convention, the Committee recommends that the State party continue taking effective measures to prevent and combat abuse and ill-treatment of children within the family, at school and in society at large, including through setting up multidisciplinary treatment and rehabilitation programmes. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes; that adequate procedures and mechanisms to deal effectively with complaints of child abuse should be reinforced in order to provide children with prompt access to justice; and that the use of corporal punishment at home, in schools and other institutions be explicitly prohibited by law. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.

(v) Basic health and welfare

a Children with disabilities

1391 With regard to the situation of children with disabilities, the Committee remains concerned at the inadequate infrastructure, limited number of qualified staff, specialized institutions for these children, and the inadequate resources, both financial and human. In addition, the Committee is particularly concerned at the insufficient implementation of the existing governmental policies and programmes for children with disabilities and at the insufficient monitoring of private institutions for these children. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (see A/53/41, chap. IV, sect. C), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns aiming at the elimination of discrimination against them, establish special education programmes and centres and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends to the State party to seek technical cooperation from WHO and specialized non-governmental organizations for the training of professional staff working with and for children with disabilities.

b Right to health and access to health services

1392 While acknowledging the measures taken to improve the health of children, in particular initiatives related to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities in access to health care and of high rates of malnutrition of children, especially in rural and remote areas and in particular among children belonging to indigenous groups. The Committee is also concerned about the high maternal mortality and teenage pregnancy rates as well as about the insufficient access by teenagers to reproductive health education and counselling services. The increasing rates of substance abuse and of HIV/AIDS among children and adolescents and the constant discrimination they are exposed to are also matters of concern. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas. The Committee recommends to the State party to continue with its efforts to prevent HIV/AIDS and to take into consideration the Committee's recommendations adopted on its day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80, chap. III, sect. C). The Committee also recommends that further efforts be undertaken for the development of child-friendly counselling services as well as care and rehabilitation facilities for adolescents. In this regard, the Committee encourages the State party to continue working in this field in cooperation with, inter alia, WHO, UNICEF and UNAIDS.

(vi) Education, leisure and cultural activities

1393. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and about the disparities in the access to education between rural and urban areas. The Committee is particularly concerned about the limited access to education for children belonging to indigenous groups and the low relevance of the current bilingual educational programmes available for them. In light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-outs; to extend school coverage and to improve school quality, making schools more responsive to geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNICEF and UNESCO.

(vii) Special protection measures

a. Protection from economic exploitation

1394. With regard to the Committee's recommendation (A/49/41, para. 164), the Committee takes note that the State party has submitted a proposal to Congress to raise the minimum legal age for admission to employment from 12 to 14 years. Nevertheless, the Committee is still concerned that economic exploitation of children remains one of the major social problems in the State party (e.g. in the indigenous communities in the highlands) and that law enforcement is insufficient to address this problem effectively. The Committee encourages the State party to complete as soon as possible its legislative reform to raise the minimum legal age for admission to employment to at least 14 years. The Committee also encourages the State party to consider ratifying the Minimum Age Convention, 1973 (No. 138) and the new Worst Forms of Child Labour Convention, 1999 (No. 182) of the ILO. The Committee further recommends that the State party take effective measures to address the situation of children involved in hazardous labour, especially in the informal sector. Furthermore, the Committee recommends that child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. The Committee recommends that the State party continue working in cooperation with ILO/IPEC.

b. Sexual exploitation and abuse

1395. With regard to the sexual exploitation of children, while noting with appreciation the reforms to the State party's Children and Adolescents Code, Penal Code and Penal Procedures Code, as well as other measures in this area, the Committee remains concerned at the absence of a national plan of action to combat and prevent sexual exploitation of children. The limited awareness among the population on sexual exploitation and abuse and on the available measures to identify and report cases of abuse is also a matter of concern. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party conduct a national study on the issue of commercial sexual exploitation of children as a basis to design and implement a comprehensive national plan of action to prevent and combat this phenomenon, and continue conducting awareness-raising campaigns on this issue. The Committee recommends to the State party to take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

c. Administration of juvenile justice

1396. With regard to the administration of the juvenile justice system, the Committee welcomes the creation of Family Courts and of specialized prosecutors to deal with children's cases. But the Committee remains concerned that the provisions of the Children and Adolescents Code regarding the administration of juvenile justice are not fully implemented, inter alia that the various services in this area are not adequately staffed and trained; that conditions in detention centres are poor and not adequately monitored; that alternative measures to detention are not sufficiently developed. In light of articles 37, 40 and 39 and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, the Committee recommends that the State party:

(a) Ensure that deprivation of liberty is used only as a measure of last resort;

(b) Improve the living conditions of children in prisons and other detention centres;

(c) Strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;

(d) Develop effective probation services for juveniles, in particular those who are released from detention centres, in order to support their reintegration in society;

(e) Develop alternative measures to deprivation of liberty; and

(f) Strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

1397. Furthermore, the Committee recommends to the State party to take into consideration the Committee's recommendations adopted on its day of general discussion on the administration of juvenile justice (see A/51/41, chap. IV, sect. D) and to consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Juvenile Justice.

d. Dissemination of the report

1398. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that its periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.

35. Concluding observations: Grenada

1399. At its 607th to 608th meetings (see CRC/C/SR.607-608), held on 24 January 2000, the Committee on the Rights of the Child considered the initial report of Grenada (CRC/C/3/Add.55), which was submitted on 24 September 1997, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1400. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee regrets that the written replies to its list of issues (CRC/C/Q/GREN/1) were not received in advance of the dialogue. The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

1401. The Committee welcomes the National Coalition on the Rights of the Child established to coordinate, monitor and evaluate the implementation of the principles and provisions of the Convention. The Committee notes with appreciation that the National Coalition has been instrumental in initiating a number of programmes to improve the situation of children and raise public awareness about the Convention, including the establishment of the Grenada Adoption Board in 1994, and the initiation and drafting of the Child Protection Act.

1402. The Committee notes the efforts of the State party in the area of primary health-care services. In particular, it notes the high immunization and low malnutrition rates. In this regard, the Committee also welcomes the enactment of the School Children Immunization Act, which facilitates the immunization of all children at the pre-school and primary school levels.

1403. The Committee appreciates the State party's initiatives in the school environment. In this regard, it welcomes the establishment of a school nutrition programme for children enrolled at the pre-school and primary school levels, and the textbook programme established to help children from economically disadvantaged families to acquire books and other relevant learning materials needed to enhance their educational opportunities. The Committee also notes with appreciation the establishment of the Programme for Adolescent Mothers which offers educational programmes, skills-training and childcare services to pregnant teenagers and teenage mothers who are no longer in the school system. The Committee welcomes the introduction of Health and Family Life Education as a core subject in the primary school curriculum.

(c) Factors and difficulties impeding the implementation of the Convention

1404. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee also notes the vulnerability of the State party to natural disasters, particularly hurricanes, which has impeded the full implementation of the Convention. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

(d) Subjects of concern and Committee recommendations

(i) General measures of implementation

a. Legislation

1405. The Committee notes the recent efforts by the State party to enact additional legislation to ensure greater consistency with the Convention. In this regard, it notes the enactment of the Status of the Child Act (1991), the Maintenance Amendment Act No. 54 (1991), the Drug Abuse (Prevention and Control) Act No. 7 (1992), the Criminal Code (Amendment) Act No. 16 (1993), the Adoption (Amendment) Act No. 17 (1994) and the Child Protection Act (1998). The Committee also notes the intention of the State party to commission a review of all legislation relevant to children, with a view to introducing a comprehensive children's code. The Committee is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee notes with concern that the Family Court Act has been rescinded and that insufficient efforts have been made to introduce adequate alternative measures to protect and strengthen family relations. The Committee recommends that the State party proceed, at the earliest possible opportunity, with its plan to undertake legislative review to ensure greater consistency with the principles and provisions of the Convention and facilitate the adoption of a comprehensive children's rights code. The Committee further recommends that the State party take all necessary measures to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

b. Data collection

1406. The Committee notes the State party's participation in a regional initiative funded by the Caribbean Development Bank for the collection, collation and publication of data, based on social development indicators, among the member countries of the Organization of

Eastern Caribbean States. The Committee also notes the intention of the State party to establish a central registry for data collection within the Ministry of Finance. The Committee remains concerned, however, at the lack of a data collection mechanism in the State party to afford the systematic and comprehensive collection of desegregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children living in poverty; children in the juvenile justice system; children of single-parent families; sexually abused children; and institutionalized children.

c. Independent monitoring structures

1407. The Committee notes the State party's intention to establish an Ombudsperson. The Committee recommends that the State party reinforce its efforts to establish an independent Ombudsperson, to deal with complaints of violations of the rights of children and to provide remedies for such violations. The Committee further suggests that the State party introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism.

d. Allocation of budgetary resources

1408. The Committee notes the intention of the State party to provide financial and other assistance to the National Coalition on the Rights of the Child and to increase budgetary allocations with regard to some children's programmes, within the context of economic growth. However, the Committee remains concerned that, in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

e. Dissemination of the Convention

1409. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, through the training of teachers and magistrates, the production of programmes such as "Olivia's Plight", the publication of the handbook "Child Abuse - What Can I Do?", the printing and distribution of posters and flyers, as well as the production and broadcasting of radio and television programmes for and about children, the Committee remains concerned that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of childcare institutions. The Committee encourages the State party to reinforce its efforts to raise the awareness of the media on the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

(ii) Definition of the child

1410. Criminal responsibility. The Committee expresses concern regarding the low legal age for criminal responsibility (7 years). The Committee recommends that the State party raise the legal age for criminal responsibility to a more internationally acceptable age by reviewing its legislation in this regard.

(iii) General principles

a. Non-discrimination

1411. While acknowledging the difficulties that girls continue to face in many areas, the Committee is also concerned about the situation of boys, particularly as regards their generally "low self-esteem" and academic under-achievement in comparison to that of girls. The Committee recommends that the State party undertake a study on child rearing practices and how they affect boys and girls. The Committee further recommends that the State party implement programmes to address the self-esteem of boys and address discrimination arising from the socialization of boys and girls into rigid gender roles and the resulting determination of family and social attitudes concerning children based on gender.

1412. The Committee is concerned that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, the Committee notes that the Code refers to the protection of the "female child" only. The Committee recommends that the State party amend its legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

b. Respect for the views of the child

1413. The Committee notes the intention of the State party to reintroduce student councils in schools as a first step in encouraging greater acceptance of the participatory rights of children. However, it is concerned that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes which promote the philosophy that "children should be seen and not heard" and that "children are the property of their parents". The Committee recommends that the State party seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.

(iv) Civil rights and freedoms

1414. Birth registration. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that some children are still not registered at birth and are not given a name until their baptism, which could be three or four months after their birth. *In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake all necessary measures, including awareness raising among government officers, community and religious leaders, and parents themselves, to ensure that all children are registered and given a name at birth.*

(v) Family environment and alternative care

a. Parental responsibilities

1415. The Committee shares the concern of the State party over the challenges faced by children as a result of changes in social and family structures which lead to high numbers of single-parent households and reduced support from extended families. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in "visiting" or "common law" relationships. The Committee expresses further concern regarding the financial and psychological impact of these types of relationships on children. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. *The State party is encouraged to increase its efforts to develop family education and awareness through,* inter alia, *providing support, including training for parents, especially those in "visiting" and "common law" relationships, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. The Committee also recommends that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The Committee further recommends that the State party take all necessary measures, including those of a legal nature, to ensure that the rights of children born of "visiting" and "common law" relationships are protected.*

b. Protection of children deprived of a family environment

1416. The Committee is concerned that the State party has not established and implemented a code of standards for alternative care institutions for children. The Committee also expresses concern regarding the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions, as well as the lack of available trained personnel in this field. *It is recommended that the State party establish a code of standards to ensure adequate care and protection of children deprived of a family environment. The Committee recommends that the State party provide additional training, including in children's rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions.*

c. Domestic and intercountry adoptions

1417. While the Committee notes the recent enactment of the Adoption (Amendment) Act and the appointment of the Adoption Board, it remains concerned at the lack of monitoring with respect to both domestic and intercountry adoptions. The Committee also expresses its concern at the high number of intercountry adoptions, particularly in the light of the small size of the State party. The Committee is also concerned about the apparent gender bias in favour of girls in the adoption process. In the light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. The Committee recommends that the State party undertake a study to assess the situation and determine the impact of intercountry adoptions and to determine why girls are favoured over boys in the adoption process. Additionally, the Committee encourages the State party to consider the possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

d. Abuse/neglect/maltreatment/violence

1418. The Committee welcomes the recent initiatives of the State party to address the issues of child abuse and domestic violence, including the establishment of a crisis hotline for domestic violence and child abuse as well as the opening of an emergency shelter for battered women and their children. Additionally, the Committee notes the efforts of the State party to train teachers and police officers and to sensitize the media and the general public on child abuse. The Committee further notes the intention of the State party to include a child abuse register as a part of the social and economic survey which is scheduled to commence January 2000. The Committee remains concerned at the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse; and the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat these abuses. The Committee is also concerned that insufficient efforts have been made to protect the right to privacy of child victims of abuse.

1419. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

e. Corporal punishment

1420. The Committee expresses grave concern that corporal punishment is still widely practised in the State party and that domestic legislation does not prohibit its use. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within the family, schools, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

(vi) Basic health and welfare

a. Right to health and access to health services

1421. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, violence, suicide, mental health, abortion, HIV/AIDS and STDs. The Committee is particularly concerned at the high incidence of teenage pregnancy and the situation of teenage mothers, especially in relation to their late attendance at antenatal clinics, as well as their generally poor breastfeeding practices. The Committee is concerned that most of the current cases of infant and maternal mortality are related to teenaged mothers.

1422. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and counselling services, as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, and making efforts to increase the number of social workers and psychologists, to develop youth-friendly care, counselling and rehabilitation facilities for adolescents. The Committee also encourages the State party to develop comprehensive policies and programmes to reduce the incidence of infant and maternal mortality and promote proper breastfeeding and weaning practices among teenaged mothers. In this connection, it is also recommended that the State party consider seeking technical assistance for the integrated management of childhood illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.

b. Children with disabilities

1423. While noting the recent appointment in the State party of a clinical psychologist to deal with the mental health of children, the Committee remains concerned about the situation of mental health of children. The Committee expresses its concern at the absence of legal protection and the lack of adequate facilities and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made by the State party to facilitate the inclusion of children with disabilities in the educational system and generally within society. The Committee notes with concern that the effectiveness of the Early Intervention Programme for Children with Disabilities has been impeded by a lack of human and financial resources.

1424. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96) and the Committee's recommendations adopted at its Day of General Discussion on the Rights of Children with Disabilities (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party take all appropriate measures to ensure that adequate resources are allocated for the effective implementation of the Early Intervention Programme for Children with Disabilities. The Committee recommends that the State party undertake a study on the situation of mental health with a view to addressing this increasing concern. Further, the Committee recommends that the State party undertake an awareness-raising campaign to sensitize the public to the rights and special needs of children with disabilities, as well as children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, the World Health Organization.

c. Environmental health

1425. While noting the State party's intention to improve the situation of environmental health services through, inter alia, the establishment of a Solid Waste Management Authority and the expansion of the collection areas from 55 per cent to approximately 95 per cent, the Committee remains concerned at the poor environmental health conditions. In this connection, the Committee notes the continued widespread use of pit-latrines, increasing sea pollution, and the inadequate solid waste disposal programme. The Committee recommends that the State party intensify its efforts to address environmental health concerns, particularly as regards solid waste management.

(vii) Education, leisure and cultural activities

1426. Right and aims of education. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned with the high incidence of truancy (in particular for boys), limited access to secondary education, lack of relevant learning material, insufficient numbers of trained qualified teachers, and the tendency towards the use of teaching methods that are almost exclusively examination oriented. Concern is also expressed at the increasing incidence of violence among students. The Committee notes with concern that insufficient resources have been allocated to ensure the sustainability of the school nutrition programme. The Committee is also concerned about the lack of health and counselling services in schools. The Committee recommends that the State party review its educational programme with a view to improving its quality and relevance and ensuring that students are taught an adequate mix of academic subjects and life skills, including communication, decision-making and conflict resolution skills. The Committee recommends that the State party take all appropriate measures to increase access to secondary education. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. In this regard, the Committee urges the State party to take all necessary measures to ensure that adequate resources are allocated to the school nutrition programme and that adequate health and counselling services be made available in schools. It is also recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

(viii) Special protection measures

a. Economic exploitation

1427. The Committee welcomes the State party's willingness to consider the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment and to increase the legal minimum age for employment from 14 to 15 years. In the light of the current economic situation in the State party and the high truancy and drop-out rates, particularly among males, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation in the State party. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee encourages the State party to consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.

b. Drug abuse

1428. The Committee notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of alcohol and substance abuse among youth and the limited psychological, social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes for child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and the World Health Organization.

c. Administration of juvenile justice

1429. While the Committee notes the State party's intention to establish a juvenile justice system, it is concerned about:

(a) The lack of efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time before the hearing of juvenile cases and the apparent lack of confidentiality accorded to such cases;

(c) The holding of minors in adult detention facilities, the lack of adequate facilities for children in conflict with the law and the limited numbers of trained personnel to work with children in this regard.

1430. The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy, ensure that children remain in contact with their families while in the juvenile justice system, and prohibit and eradicate the use of corporal punishment (whipping) in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

(ix) Dissemination of the report

1431. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

36. Concluding observations: South Africa

1432. At its 609th, 610th and 611th meetings (see CRC/C/SR.609, 610 and 611), held on 25 and 26 January 2000, the Committee on the Rights of the Child considered the initial report of South Africa (CRC/C/51/Add.2), which was submitted on 4 December 1997, and at the 615th meeting, held on 28 January 2000 adopted the following concluding observations.

(a) Introduction

1433. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee also welcomes the efforts of the State party to ensure that its initial report was submitted on time. The Committee takes note of the written replies to its list of issues (CRC/C/Q/SAFR/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

(b) Positive aspects

1434. The Committee expresses appreciation for the efforts made by the State party in the area of legal reform. In this regard, the Committee welcomes the new Constitution (1996), in particular article 28, which guarantees children a number of specific rights and freedoms also provided for under the Convention. Further, the Committee notes with appreciation the additional legislation enacted to bring about greater harmonization between domestic legislation and the Convention, including: the National Youth Amendment Act (1996); the Legal Aid Amendment Act (1996); the Criminal Procedure Amendment Act (1996); the Film and Publications Act (1996); the National Education Policy Act (1996); the Child Care Amendment Act (1996); the Abolition of Corporal Punishment Act (1997); the Divorce Courts Amendment Act (1997); the Establishment of Family Court Act (1997); the Maintenance Amendment Act (1997); the Natural Fathers of Children Born out of Wedlock Act (1997); and the Criminal Procedure Second Amendment Act (1997).

1435. The Committee welcomes the implementation of a National Programme of Action (NPA) within the State party. In this regard, it welcomes the establishment of the National Programme of Action Steering Committee (NPASC) which is responsible for the identification of plans, the coordination and evaluation of programmes, and the periodic submission of progress reports to Cabinet on the implementation of the NPA as well as compliance obligations under the Convention. The Committee notes that the membership of the NPASC comprises representatives from various ministries and agencies involved in the promotion of the rights of children as well as representatives of civil society, including NGOs and the National Children's Rights Committee (NCRC) and UNICEF South Africa.

1436. The Committee welcomes the establishment of the South African Human Rights Commission and the appointment of a director with responsibility for children's rights.

1437. The Committee also welcomes the implementation of the "Human Rights Institutional Strengthening Project" with the support of the Office of the High Commissioner for Human Rights (OHCHR). The Committee notes that the project includes provision of advisory services to finalize the human rights training package developed by the South African Police Service (SAPS); publication of a pocket guide for police on human rights standards and practice; advice and assistance to the South African Human Rights Commission (SAHRC); advice and assistance to the Justice College of the Ministry of Justice in integrating human rights in the training curriculum for magistrates, prosecutors and other officials concerned with the administration of justice; and support to Fort Hare University in developing a series of human rights training workshops and establishing a documentation centre.

1438. The Committee welcomes the State party's efforts in establishing a Children's Budget Project launched with the aim of developing an overall perspective on the Government's expenditure with respect to children's programmes and examining the impact of this expenditure on the lives of children.

1439. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the enactment of the South African Schools Act (1996) which has led to enhanced participatory rights for children within the educational system; the right of children to choose their own language of learning (multilingualism); and the abolition of corporal punishment in schools. The Committee also notes with appreciation the establishment of an integrated National Primary School Nutrition Programme intended to encourage enrolment and facilitate attendance of all children, especially those from economically disadvantaged families. The Committee also notes that under "Curriculum 2005", additional initiatives are envisaged within the school environment, including programmes to encourage non-discrimination and facilitate inclusion, especially of children with disabilities and those with HIV/AIDS. "Curriculum 2005" also aims to address the inequalities within the educational system established during apartheid.

(c) Factors and difficulties impeding the implementation of the Convention

1440. The Committee acknowledges the challenges faced by the State party in overcoming the legacy of apartheid which continues to have a negative impact on the situation of children and to impede the full implementation of the Convention. In particular, the Committee notes the vast economic and social disparities that continue to exist between various segments of society as well as the relatively high levels of unemployment and poverty which adversely affect the full implementation of the Convention and remain challenges for the State party.

(d) Subjects of concern and recommendations of the Committee

(i) General measures of implementation

a. Legislation

1441. The Committee notes the efforts of the State party to bring about legal reform and to introduce measures to ensure greater conformity between domestic legislation and the Convention. The Committee also notes that the South African Law Commission is currently reviewing legislation as well as customary law with a view to introducing additional legal reform concerning, inter alia, the prevention of family violence, HIV/AIDS policies in school, the establishment of a new juvenile justice system, the expansion of the childcare system and the protection of sexually abused children. However, the Committee remains concerned that the law, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. The Committee encourages the State party to continue its efforts in the area of legal reform and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.

b. Ratification of international human rights instruments

1442. The Committee notes that the State party has not yet ratified the International Covenant on Economic, Social and Cultural Rights. The Committee is of the opinion that the ratification of this international human rights instrument would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. The Committee encourages the State party to reinforce its efforts to finalize the ratification of this instrument.

c. Coordination

1443. While the Committee notes the establishment of the National Programme of Action Steering Committee (NPASC) to coordinate the implementation of programmes relevant to the protection and care of children, it is concerned that insufficient effort has been made to ensure that adequate programmes are introduced at the community level. In this context, the Committee further expresses concern at the insufficient efforts made to involve community-based organizations in the promotion and implementation of the Convention. The Committee is also concerned about the lack of coordination between those ministries responsible for the implementation of the Convention. The Committee recommends that the State party take effective measures to ensure that the programmes and activities of the NPASC are established in rural areas as well as at the community level. The State party is encouraged to take all effective measures to promote capacity-building among community-based organizations and to further facilitate their inclusion in the coordination, promotion and implementation of the Convention. The Committee recommends that the State party strengthen its efforts to ensure greater coordination between those ministries and departments responsible for the implementation of the Convention.

d. Independent monitoring mechanism

1444. The Committee welcomes with appreciation the State party's establishment of the South African Human Rights Commission which is mandated to promote the observance of fundamental human rights at all levels of society. The Committee notes that the Commission also has powers to conduct investigations, issue subpoenas and hear testimony under oath. The Committee is concerned, however, that insufficient resources have been allocated to allow the Commission to carry out its mandate effectively. Additionally, the Committee notes with concern that the work of the Commission continues to be hampered by, inter alia, red tape and the need for additional legislative reform. The Committee is also concerned at the absence of a clear procedure to register and address complaints from children concerning violations of their rights under the Convention. The Committee encourages the State party to take effective measures to ensure that adequate resources (both human and financial) are allocated to ensure the effective functioning of the South African Human Rights Commission. The Committee recommends that the State party establish clear child-friendly procedures to register and address complaints from children regarding violations of their rights and to guarantee adequate remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a procedure.

e. Data collection

1445. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including girls; children with disabilities; child labourers; children living in remote rural areas, including Eastern Cape, Kwa Zulu-Natal and the Northern region, as well as other disadvantaged Black communities; children belonging to the Khoi-Khoi and San communities; children working and/or living on the streets; children living in institutions; children of economically disadvantaged families; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.

f. Budgetary allocations

1446. The Committee welcomes the initiative of the State party to introduce the practice of "costing" new legislation to ensure its sustainability in terms of, inter alia, financing. The Committee notes that the State party is currently "costing" the draft juvenile justice bill to determine its financial sustainability. The Committee notes the challenges faced by the State party in addressing the social and economic legacy of apartheid, particularly among previously disadvantaged communities. The Committee also notes the efforts of the State party in establishing a Children's Budget Project to monitor government expenditure with respect to children's programmes with a view to improving the impact of expenditure on the lives of children. In light of article 4 of the Convention, the Committee remains concerned about the insufficient efforts made to ensure the adequate distribution of resources allocated for children's programmes and activities. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

g. Dissemination and awareness-raising

1447. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to reinforce its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders as well as professional groups working with and for children, such as health personnel, including psychologists, social workers, officials of central or local administration, and personnel of childcare institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

(ii) Definition of the child

1448. Criminal responsibility and sexual consent. While the Committee notes that the State party has drafted legislation to increase the legal minimum age for criminal responsibility from 7 to 10 years, it remains concerned that a legal minimum age of 10 years is still a relatively low age for criminal responsibility. The Committee is also concerned that the legal minimum ages for the sexual consent of both boys (14) and girls (12) are low and that legislation concerning this issue is discriminatory against girls. The Committee recommends that the State party reassess its draft legislation on criminal responsibility with a view to increasing the proposed legal minimum age (10 years) in this regard. The Committee also recommends that the State party increase the legal minimum ages for sexual consent for both boys and girls and ensure non-discrimination against girls in this regard.

(iii) General principles

a. Non-discrimination

1449. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the new Constitution as well as in domestic legislation, it is still concerned that insufficient measures have been adopted to ensure that all children are guaranteed access to education, health and other social services. Of particular concern are certain vulnerable groups of children, including Black children; girls; children with disabilities, especially those with learning disabilities; child labourers; children living in rural areas; children working and/or living on the streets; children in the juvenile justice system; and refugee children. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

b. Respect for the views of the child

1450. While the Committee recognizes the efforts of the State party in promoting respect for the views of the child and encouraging child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level. The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. The Committee recommends that the State party train teachers to enable students to express their views, particularly in the provinces and at the local level.

(iv) Civil rights and freedoms

a. Birth registration

1451. The Committee notes that the Births and Deaths Act provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. In light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts through, inter alia, mobile clinics and hospitals, to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

b. Torture, or other cruel, inhuman or degrading treatment or punishment

1452. While recognizing the efforts of the State party to train the police on the treatment of detainees and the non-use of unnecessary force, the Committee is concerned about the high incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. The Committee recommends that all appropriate measures be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and ensure that child victims are provided adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.

(v) Family environment and alternative care

a. Parental guidance

1453. The Committee notes with concern the increasing number of single-parent and child-headed families and the impact (both financial and psychological) on children. The insufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially single parents, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee recommends that the State party take all necessary measures to reduce and prevent the increasing number of child-headed households and to introduce adequate support mechanisms for existing child-headed families. The Committee further recommends that the State party undertake a study on the situation of single parent, polygamous and child-headed families with a view to assessing the impact on children.

b. Maintenance

1454. While the Committee notes that legislation has been enacted to provide for the recovery of maintenance for the child, it is concerned that insufficient measures have been taken to ensure the enforcement of maintenance orders. In light of article 27 of the Convention, the Committee recommends that the State party take effective measures to ensure compliance with maintenance orders and the recovery of maintenance for the child.

c. Welfare services

1455. The Committee notes the recent initiative of the State party to institute a Child Support Grant which aims to provide greater financial support to children from the most economically disadvantaged families. The Committee remains concerned about the phasing-out of the Maintenance Grants and the potential impact for economically disadvantaged women and children who currently benefit from the programme. The Committee recommends that the State party expand its Child Support Grant programme or develop alternative programmes to include support to children up to the age of 18 years, who are still in school. The Committee encourages the State party to take effective measures to ensure the continuation of support programmes for economically disadvantaged families.

d. Alternative care

1456. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities in previously disadvantaged communities. Concern is also expressed about the insufficient monitoring of placements and the limited number of qualified personnel in this field. The Committee further notes with concern the inadequate monitoring and evaluation of placements in the foster care programme. The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party ensure adequate periodic review of placements in the foster care programme.

e. Domestic and intercountry adoptions

1457. While the Committee notes that the Child Care Act (1996) provides for the regulation of adoptions, it is concerned at the lack of monitoring with respect to both domestic and intercountry adoptions as well as the widespread practice of informal adoptions within the State party. The Committee is also concerned at the inadequate legislation, policies and institutions to regulate intercountry adoptions. In light of article 21 of the Convention, the Committee recommends that the State party establish proper monitoring procedures with respect to both domestic and intercountry adoptions and introduce adequate measures to prevent the abuse of the practice of traditional informal adoptions. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to ensure the effective regulation of intercountry adoptions. The Committee further encourages the State party to reinforce its efforts to finalize its ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

f. Domestic violence, ill-treatment and abuse

1458. The Committee notes the enactment of the Child Care Act and the Prevention of Family Violence Act to provide greater protection for children. The Committee also notes the recent introduction of the National Crime Prevention Strategy which focuses on crimes against women and children as well as the Victim Empowerment Programme which promotes the empowerment of victims of abuse, especially women and children. However, the Committee remains gravely concerned about the high incidence of domestic violence, ill-treatment and abuse of children, including sexual abuse within the family. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse to understand the scope and nature of these practices. The Committee also recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence, ill-treatment and abuse and further adopt adequate measures and policies to contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings; the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

g. Corporal punishment

1459. While the Committee is aware that corporal punishment is prohibited by law in schools, care institutions and the juvenile justice system, it remains concerned that corporal punishment is still permissible within families and that it is still regularly used in some schools and care institutions as well as generally within society. The Committee recommends that the State party take effective measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention. It is also recommended that the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation.

(vi) Basic health and welfare

a. Primary health care

1460. The Committee notes the State party's recent initiatives to improve the general situation of health and health services for children, including the introduction of the Integrated Management of Childhood Illnesses (IMCI) initiative and the provision of free health care to children under the age of six years and to pregnant and lactating women. However, the Committee remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). The Committee is also concerned that the survival and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea. The Committee is also concerned about the high incidence of child and infant mortality as well as maternal mortality; the high rate of malnutrition, vitamin A deficiency and stunting; the poor situation of sanitation; and insufficient access to safe drinking water, especially in rural communities. The Committee recommends that the State party reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the Committee recommends that the State party facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation with respect to the IMIC initiative and, where necessary, to pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.

b. Environmental health

1461. Concern is expressed at the increase in environmental degradation, especially as regards air pollution. The Committee recommends that the State party increase its efforts to facilitate the implementation of sustainable development programmes to prevent environmental degradation, especially as regards air pollution.

c. Adolescent health

1462. The Committee expresses concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including teenage pregnancies; abortions; drugs and substance abuse, including alcohol and tobacco use; accidents; violence; and suicide. The Committee expresses its concern at the lack of statistical data on the situation of children with mental health concerns as well as the insufficient policies and programmes for these children. The Committee notes that while the State party has taken a tough anti-smoking stance with the introduction of strong legislation in 1991 and amendments in 1999 to control the supply of tobacco, many under-age smokers are still able to buy tobacco products. While the Committee notes that the State party has launched a Partnership Against HIV/AIDS Programme (1998) which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and STDs, it remains concerned about the high and increasing incidence of HIV/AIDS and sexually transmitted diseases (STDs). The Committee recommends that the State party take effective measures to ensure that legislation is fully implemented and enforced, particularly as regards the use of tobacco products. The Committee recommends that the State party reinforce adolescent health policies, particularly with respect to accidents, suicide, violence and substance abuse. It is also recommended that the State party undertake a study to assess the situation of children with mental health concerns and introduce programmes to guarantee adequate care and protection for them. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible, without parental consent where this is in the best interests of the child. The Committee recommends the reinforcement of training programmes for youth on reproductive health, HIV/AIDS and STDs. These programmes should be based not only on gaining knowledge, but also on the acquisition of competencies and life skills that are essential to the development of youth. The Committee further recommends the full participation of youth in the development of strategies to respond to HIV/AIDS at the national, regional and local levels. Particular emphasis should be placed on changing public attitudes toward HIV/AIDS and identifying strategies to address the continued discrimination experienced by children and adolescents infected with HIV.

d. Children with disabilities

1463. The Committee expresses concern regarding the inadequate legal protection, programmes, facilities and services for children with disabilities, particularly mental disabilities. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on children with disabilities (see A/53/41, chap. IV, sect. C), it is recommended that the State party reinforce its early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.

e. Traditional practices

1464. The Committee is concerned that male circumcision is carried out, in some instances, in unsafe medical conditions. The Committee is also concerned about the traditional practice of virginity testing which threatens the health, affects the self-esteem, and violates the privacy of girls. The practice of female genital mutilation (FGM) and its harmful effects on the health of girls is also an issue of concern for the Committee. The Committee recommends that the State party take effective measures, including training for practitioners and awareness-raising, to ensure the health of boys and protect against unsafe medical conditions during the practice of male circumcision. The Committee also recommends that the State party undertake a study on virginity testing to assess its physical and psychological impact on girls. In this connection, the Committee further recommends that the State party introduce sensitization and awareness-raising programmes for practitioners and the general public to change traditional attitudes and discourage the practice of virginity testing in light of articles 16 and 24 (3) of the Convention. The Committee recommends that the State party strengthen its efforts to combat and eradicate the practice of FGM and to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.

(vii) Education, leisure and cultural activities

1465. The Committee notes the recent efforts of the State party to improve the situation of education, including the enactment of the Schools Act (1996), the introduction of an integrated National Primary School Nutrition Programme, and the launching of "Curriculum 2005" which is intended, inter alia, to correct the disparities in access to education. While noting that the law provides for compulsory education between the ages of 7 and 15 years, the Committee is concerned that primary education is not free. Concern is also expressed that inequality in access to education remains in some areas, particularly among Black children, girls and children from economically disadvantaged families, many of whom still do not attend school. The Committee is concerned about the continued practice of discrimination in some schools, particularly against Black children in racially mixed schools. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding in some areas; high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; insufficient number of trained teachers, particularly in traditionally Black communities; and low morale of teachers. The Committee notes with concern that many children, especially in Black communities, do not enjoy the right to leisure, recreation and cultural activities. The State party is encouraged to continue its efforts to promote and facilitate school attendance, particularly among previously disadvantaged children, girls and children from economically disadvantaged families. In light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available free to all. The Committee recommends that the State party take additional measures to ensure non-discrimination within the school environment. The Committee further recommends that effective measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education. In light of article 31, the Committee recommends that the State party take effective measures to ensure that children, especially those in Black communities, enjoy the right to leisure, recreation and cultural activities.

(viii) Special protection measures

a. Refugee and asylum seeking children

1466. While the Committee notes recent legislative reform to guarantee greater protection of the rights of refugee and asylum seeking children, it remains concerned about the absence of formal legislative and administrative measures to ensure family reunification and to guarantee the right of access to education and health for refugee children. The Committee recommends that the State party develop a legislative and administrative framework to guarantee and facilitate family reunification. Additionally, it is recommended that the State party implement policies and programmes to guarantee adequate access to all social services for refugee and asylum seeking children. The Committee further recommends that the State party reinforce its efforts to finalize its adoption of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

b. Children in armed conflict

1467. The Committee is concerned that insufficient efforts have been made to introduce adequate programmes to facilitate the rehabilitation of children affected by armed conflict during the apartheid era, whose situation is reflected in the current high levels of violence and crime within the State party. The Committee recommends that the State party take all appropriate measures to introduce new and reinforce existing programmes to facilitate the rehabilitation and reintegration of children affected by armed conflict.

c. Child labour

1468. The Committee notes that the State party has signed a memorandum of understanding with the International Programme for the Elimination of Child Labour of the ILO to undertake a national survey with a view to compiling comprehensive national child labour statistics. While the Committee notes the State party's efforts to bring domestic legislation into conformity with international labour standards, it is concerned that over 200,000 children between the ages of 10 and 14 years are currently engaged in work, mainly commercial agriculture and domestic service. The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also recommends that the State party reinforce its efforts to ratify the Worst Forms of Child Labour, 1999 (No. 182) of the ILO.

d. Drug and substance abuse

1469. The Committee is concerned with the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be reinforced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also recommends that the State party develop a national drug control plan with the guidance of the United Nations Drug Control Programme. The Committee also encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.

e. Sexual exploitation

1470. While noting the efforts of the State party to implement legislation, policies and programmes to prevent and combat the sexual exploitation of children, the Committee remains concerned at the high incidence of commercial sexual exploitation. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children.

f. Sale, trafficking and abduction of children

1471. The Committee notes the efforts of the State party to address the situation of the sale, trafficking and abduction of children, including the adoption of the Hague Convention on Civil Aspects of International Child Abduction, into domestic legislation. However, the Committee is concerned about the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate measures to enforce legislative guarantees and to prevent and combat this phenomenon. In the light of article 35 and other related provisions of the Convention, the Committee recommends that the State party take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children. The Committee further recommends that the State party seek to establish bilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children and to facilitate their protection and safe return to their families.

g. Minority groups

1472. The Committee notes that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. The Committee further notes the State party's intention to establish a Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities as a first step in guaranteeing greater protection to minorities. However, the Committee is concerned that customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups. The Committee recommends that the State party undertake all appropriate measures to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.

h. Juvenile justice

1473. While the Committee welcomes the recent efforts to improve juvenile justice, it is concerned that the juvenile justice system does not cover all regions of the State party. The Committee is further concerned about:

(a) The lack of an efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before juvenile cases can be heard and the apparent lack of confidentiality accorded to such cases;

(c) The use of detention as other than a last resort;

(d) The overcrowding in detention facilities;

(e) The holding of minors in adult detention and prison facilities, the lack of adequate facilities for children in conflict with the law, and the limited numbers of trained personnel to work with children in this regard;

(f) The lack of reliable statistical data on the number of children in the juvenile justice system;

(g) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system; and

(h) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

1474. The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

(ix) Dissemination of the reports of the Committee

1475. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE

A. Methods of work

1. Reporting process and drafting of general comments

1476. At the 533rd meeting, on 17 May 1999, a technical briefing was held on the working methods of the Committee and the various phases of the reporting process. Participating were members of the Committee, representatives of the Office of the High Commissioner for Human Rights (OHCHR), UNICEF and the NGO Group for the Convention on the Rights of the Child. One of the main issues raised during the discussion was the backlog of reports and the need to find ways to increase the number of reports dealt with at each session without prejudice to the quality of the dialogue. In this regard, at the 533rd meeting, on 2 June 1999, the Committee decided to increase the number of States parties' reports considered to at least eight per session as from January 2000.

1477. At its meeting on 22 September 1999, the Committee decided to consider eight States parties' reports during its twenty-third session (January 2000) and nine reports per session thereafter.

1478. At the same meeting, the Committee decided to reintroduce the country rapporteur system. It also decided to give high priority to the drafting of general comments based on the principles and provisions of the Convention and mandated the Rapporteur, Mr. Doek, to define a methodology in that regard and to report to the Committee thereon at its next session.

1479. During its twenty-third session, the Committee held an informal meeting with permanent missions of States parties to the Convention on the Rights of the Child represented in Geneva which have not yet notified their acceptance of the amendment to article 43.3 of the Convention increasing from 10 to 18 the membership of the Committee. The purpose of the meeting was to encourage those States parties to do so, in light of the efforts undertaken by the Committee to reduce its backlog of reports. Noting that an additional 51 notifications by States parties would be required in order for the amendment to enter into force, the Committee encouraged the delegations to take all appropriate measures to facilitate the early submission of notification of their acceptance of the amendment.

2. Support to the Committee: Plan of Action to strengthen the implementation of the Convention

1480. To address its important and increasing workload, including the backlog of reports, the Committee has searched for appropriate solutions. In 1995, the Committee had discussed with the High Commissioner for Human Rights ways that increased support might be provided. In November 1996, the High Commissioner had launched the Plan of Action to strengthen the implementation of the Convention, which became operational in July 1997. The High Commissioner reiterated the commitment of her Office to provide substantive support to the Committee through the Plan of Action team. She also expressed her strong support for the process of drafting general comments.

B. International cooperation and solidarity for the implementation of the Convention

1. Cooperation with United Nations and other competent bodies

1481. During the period covered by the present report, the Committee pursued its cooperation with United Nations bodies, specialized agencies and other competent bodies.

1482. At its eighteenth session, the Committee met with four representatives, aged between 12 and 15 years old, of the Global March Against Child Labour. The Global March was officially launched in November 1997 and began on 17 January 1998 in the Philippines, to culminate in Geneva during the International Labour Conference in June 1998 in order to express support for the proposed new ILO convention targeting extreme forms of child labour.

1483. From 25 to 26 June 1998, Mrs. Karp chaired the first meeting of the Coordination Panel on Technical Advice and Assistance in Juvenile Justice (established by the Economic and Social Council in its resolution 1997/30), held in Vienna. The objective of the Panel was to enhance, coordinate and strengthen technical cooperation in the area of juvenile justice. The Coordination Panel is composed of the Committee on the Rights of the Child, OHCHR, UNICEF, the Centre for International Crime Prevention (CICP) and the International Network on Juvenile Justice, which links NGOs working in the area. The High Commissioner opened the meeting. OHCHR presented to the Panel the preliminary survey on technical advice and assistance on issues covered by the Convention on the Rights of the Child that had been prepared under the Plan of Action to strengthen the implementation of the Convention.

1484. At its nineteenth session, the Committee met with representatives of WHO who briefed the Committee on the impact of recent changes in their organization on the work of the Committee. They specified that WHO would in the future integrate human rights in a more systematic manner in its activities and that its support to the reporting process of the Committee would be reinforced (see CRC/C/80, para. 196).

1485. During the same session, Committee members met with representatives of UNHCR who briefed them on the main areas currently of concern to that organization regarding children: lack of or insufficient access to education for children living in refugee camps; detention of asylum seeking children; absence of systematic birth registration in refugee camps or settings; difficulties encountered by States in implementing the child's right to family reunification; and forced military recruitment of refugee children and adolescents. The Committee also met with the Coordinator of the Coalition to Stop the Use of Child Soldiers, an organization campaigning to mobilize public opinion and political will in favour of the adoption of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts aimed at the legal prohibition of any form of participation by persons under 18 years of age in armed conflict, including their voluntary or mandatory recruitment.

1486. During the twentieth session, the Committee met with Mrs. Marta Santos-Pais, Director of the Division of Evaluation, Policy and Planning of UNICEF. She informed the Committee about UNICEF's position and action on behalf of children affected by armed conflict and on the preliminary results of a workshop organized by UNICEF on indicators in the field of the rights of the child.

1487. During the twenty-first session, the Committee met with the Executive Director for Fundamental Principles and Rights at Work of ILO, Mr. Kari Tapiola, who discussed with the Committee members future collaboration in promoting the new ILO Convention concerning the Worst Forms of Child Labour.

1488. During the twenty-third session, the Committee met with representatives of UNAIDS to discuss the preparation of a handbook on the convention on the rights of the child and HIV/AIDS.

1489. During the twenty-second session, the Committee met with representatives of the six initiators of the 1990 World Summit for Children (Canada, Egypt, Mali, Mexico, Pakistan and Sweden) as well as with Mrs. Carol Bellamy, Executive Director of UNICEF, and other UNICEF staff. Members of the Committee were informed about the special session of the General Assembly to be convened in September 2001 to review achievements.

1490. The Committee also pursued its cooperation with the other human rights treaty bodies and other United Nations human rights mechanisms. In this connection, the Committee's Chairperson participated in the ninth, tenth and eleventh meetings of persons chairing the human rights treaty bodies, as well as the Acting Chairperson's visit to New York in November 1999, during which she addressed the Third Committee of the General Assembly. The Committee also held informal meetings with members of the Working Group on Contemporary Forms of Slavery; the Chairperson-Rapporteur of the working group of the Commission on Human Rights set up to examine the question of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts; the Special Representative of the Secretary-General on Children and Armed Conflict; the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography; the Special Rapporteur of the Commission on Human Rights on the right to education.

1491. Members of the Committee also addressed, during 1999, the two working groups of the Commission set up to examine the questions of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography.

2. Participation in United Nations and other relevant meetings

1492. The Committee was represented at a number of meetings relevant to its activities, including the Coordination Panel on Technical Advice and Assistance in Juvenile Justice (see para. 1485 above); the second Expert Consultation on the Right to Adequate Food; the International Forum for the Operational Review and Appraisal of the Implementation of the Programme of Action of the International Conference on Population and Development; the Fourth Annual Meeting of the Asia-Pacific Forum; the 1999 session of the Economic and Social Council, the 4037th meeting of the Security Council and the fifty-fourth session of the General Assembly.

1493. Committee members also participated in a variety of meetings at the international, regional and national levels where issues relevant to the rights of the child were raised.

3. Other related activities

1494. The Committee was invited by the Italian authorities, with the support of the Italian National Committee for UNICEF, to visit Florence from 29 May to 1 June 1998, during which they met with local, regional and national authorities, including Mrs. Livia Turco, Minister for Social Solidarity. A working meeting with the UNICEF International Child Development Centre (ICDC) was organized on 30 May 1998 at which were discussed suggestions on ways to improve cooperation between the Centre and the Committee. On 30 June, the Committee was invited by the Sienna regional branch of the National Committee for UNICEF to visit care institutions, including a support and rehabilitation centre for children in difficult circumstances.

C. General thematic discussions

1. The child and the media (follow-up)

1495. On 6 and 7 March 1998 the Committee's working group on the child and the media met in London. The working group was established in October 1996 after a discussion day held by the Committee on this topic (see CRC/C/57, paras. 242-57 and CRC/C/66, para. 327 and annex IV). The meeting was convened by Mr. Thomas Hammarberg, Chair of the working group, and organized by the Office of the Norwegian Ombudsperson for Children, Mr. Trond Waage, on behalf of the Government of Norway.

1496. Following recommendations adopted during the October 1996 discussion day, the support expressed by OHCHR and follow-up work undertaken by the working group, the Government of Norway decided to organize an international workshop on the issue of the child and the media in Oslo from 20 to 22 January 1999. The aim of the London meeting was to define the framework, format (including participants), agenda and objectives of the international workshop.

1497. Representatives from Press Wise/International Federation of Journalists, OHCHR, UNICEF, WHO and NORDICOM (Nordic Research on Media and Communication) (UNESCO) participated in the meeting in addition to Mr. Hammarberg and Mr. Waage.

1498. The workshop, which would take place within the framework of the tenth anniversary commemoration of the adoption of the Convention on the Rights of the Child by the United Nations General Assembly, would have as its main objectives to enable Governments, inter alia, to improve their policies and programmes in this field, mainly with respect to issues of protection, access and participation (art. 17 of the Convention); narrow the gap between the respective interests of the private media owners, States and civil society; sensitize private media owners, journalists and other media workers to children's rights; and improve participation of children in the media.

1499. On 18 and 19 November 1999, a workshop on the child and the media, entitled "The Oslo Challenge", was held. This international workshop resulted from a process launched at its thirteenth session in October 1996 by the Committee during its day of general discussion on this subject, at the end of which a set of recommendations was adopted and an informal working group on the child and the media was established. This working group met twice and, inter alia, provided guidance to the organizers of "The Oslo Challenge". The outcome of the Oslo workshop was a document, also entitled "The Oslo Challenge", which identifies challenges for Governments, organizations and individuals, the private sector, including the media, parents, teachers, children and young people to improve the implementation of the right of the child to access appropriate information. "The Oslo Challenge" is an ongoing process which relies mainly on networking, awareness-raising, lobbying and advocacy. An information kit is to be prepared during 2000. Representatives of Governments, UNESCO, UNICEF, OHCHR and national and international NGOs, including the International Federation of Journalists and Press-Wise International, young people involved in media projects and representatives of the commercial media sector participated in the meeting.

1500. On 20 November 1999, a commemorative event celebrating the tenth anniversary of the Convention on the Rights of the Child was held in Oslo's Town Hall, organized by the Norwegian Ministry for International Development and Human Rights and the Ministry of Children and Family Affairs and UNICEF. During this celebration, "The Oslo Challenge" was formally launched by the Norwegian Minister of Children and Family Affairs. The celebration was attended by, inter alia, the Queens of Norway and Sweden, the Executive Director of UNICEF, the Norwegian Minister for International Development and Human Rights, the Minister of Children and Family Affairs, the Ministers for Family and Children of Bangladesh, Ireland, Mauritius, Niger, Panama, Sierra Leone, the United Republic of Tanzania, Uganda, Viet Nam, Zambia and Zimbabwe, the Mayor of Oslo, Harry Belafonte (UNICEF Goodwill Ambassador) and the Norwegian Ombudsperson for Children. A video message from the United Nations High Commissioner for Human Rights was also aired.

2. Children with disabilities (follow-up)

1501. During the day of general discussion on the rights of children with disabilities held in 1997, it was decided to establish a working group to promote implementation of the recommendations arising from the day. On 6 October 1998, Mrs. Gerison Lansdown, Director of the Children's Rights Office (UK) and Rapporteur of the discussion day, informed the Committee that discussions among the organizations involved in preparing the thematic day had resulted in the identification of the need for a coordinator to service the working group. Disabled People International had agreed that the coordinator could be based in its office in London. A funding application had been drafted setting out the aims of the project, which were to:

(a) Form a working group of key disability and children's rights organizations together with international experts in the field;

(b) Prepare a plan of action in respect of the recommendations of the Committee on the Rights of the Child;

(c) Develop a strategy for its implementation and implement the plan.

1502. These aims would be pursued through the following activities:

(a) Working closely with the Special Rapporteur on Disabilities of the Commission on Social Development and the panel of experts for the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

(b) Ensuring that the working group met and obtained the views of local groups of children;

(c) Raising awareness of the situation of children with disabilities through provision of statistical and personal evidence on violations of their human rights and challenging attitudes and practices such as infanticide, traditional practices prejudicial to health and development, superstition, the perception of disability as a tragedy and the segregation of children with disabilities;

(d) Producing examples of good practices for projects, policies and legislation that uphold the principles and provisions of the Convention, such as legislation which ensures that children with disabilities enjoy the equal right to life, survival and development and which abolish discriminatory laws on abortion and access to health care.

1503. Grants have been received and provide sufficient funding to proceed with the working group, which would be composed of representatives of the Committee on the Rights of the Child, International Save the Children Alliance, Disabled Peoples' International, Inclusion International, the World Blind Union and the World Federation of the Deaf.

1504. The working group held its first meeting in London on 23 and 24 January 1999. It was chaired by Mr. Bengt Lindquist, Special Rapporteur on Disabilities of the Commission on Social Development, and attended by Mrs. Esther Queenie Mokhuane from the Committee on the Rights of the Child, Mrs. Rachel Hurst from Disabled Peoples' International, Mrs. Sue Stubbs and Mrs. Ulrike Persson from International Save the Children Alliance, Mrs. Kicki Nordstrom from the World Blind Union, Mrs. Gerison Lansdown from the Children's Rights Office (UK) and Mr. Darryl Cowley, coordinator of the working group. The representatives of the World Federation of the Deaf and Inclusion International were unable to attend.

1505. On behalf of the Committee, Mrs. Mokhuane made a statement in which she highlighted the Committee's efforts to promote the rights of children with disabilities. Through its dialogue with and recommendations to States parties, the Committee recommended the enactment of domestic legislation, implementation of appropriate policies and programmes, and allocation of adequate resources to guarantee and protect the rights of children with disabilities. The Committee had also urged States parties to take all necessary measures to improve the situation and protect the rights of children in armed conflicts and those affected by landmines.

1506. The primary purpose of the first meeting was to develop a plan of action for the 18-month life of the working group. It was agreed that the primary purpose of the group would be to strengthen and support the work of the Committee on the Rights of the Child in monitoring and promoting the rights of children with disabilities. Accordingly the following programme was agreed:

(a) To organize a series of regional meetings to which disabled children and young people, and local disability organizations would be invited to present their experiences of respect or lack of respect for their rights, what they would like to see changed and their suggestions for future action. Initially, the Group will seek to organize meetings in Latin America and Africa. Further meetings will be held in Western Europe, Eastern Europe and, eventually, in Asia;

(b) To collect examples of good practice in promoting the rights of children with disabilities - for example, participation, inclusion, deinstitutionalization - for widespread dissemination. To collate data on social outcomes for children - for example, the proportion of children with access to education, in mainstream education, and supported in the community. The International Save the Children Alliance agreed to undertake this work;

(c) To explore the possibility for the Committee on the Rights of the Child to adopt a general comment on article 23 of the Convention;

(d) To hold a hearing in Geneva, and possibly also in New York, at which United Nations agencies and bodies would be invited to present to the Group current and planned work designed to promote the rights of children with disabilities;

(e) To provide evidence to the pre-sessional working group of the Committee on the Rights of the Child on the situation of children with disabilities in the States parties under discussion;

(f) To contribute, through the evidence gathered in the regional meetings, to the Children's Summit planned for 2001;

(g) To contribute to the debate on bioethics from the perspective of the rights of children with disabilities;

(h) To design a logo and leaflet to promote and explain the role and aims of the working group. It was agreed that the title of the Group would be "Rights of children with disabilities: a working group in consultation with the Committee on the Rights of the Child".

3. Children living in a world with HIV/AIDS

1507. In the light of rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided periodically to devote one day of general discussion to a specific article of the Convention or to a theme in the area of the rights of the child in order to enhance understanding of the contents and implications of the Convention.

1508. The Committee devoted its day of general discussion on 5 October 1998 to "Children living in a world with HIV/AIDS". In an outline prepared to guide the general discussion, the Committee pointed out that the HIV/AIDS epidemic had drastically changed the world in which all children lived. Millions of children had been infected and died worldwide since the beginning of the epidemic. Later research had pointed out that women and children, initially considered to be only marginally affected, were increasingly becoming infected; the majority of new infections in many parts of the world concerned young people between the ages of 15 and 24. Younger children were predominantly infected by HIV-positive mothers who were not aware of their infection and transmitted the virus to their children before or during birth or through breastfeeding. Adolescents were also highly vulnerable to HIV/AIDS, and more so because their early sexual experiences often took place without access to proper information. The epidemic had also increased victimization of children living in particularly difficult circumstances, who were at greater risk of infection, which in turn led to stigmatization and greater discrimination. The Committee stressed the relevance of the rights contained in the Convention on the Rights of the Child to prevention efforts, recalling that HIV/AIDS was often seen primarily as a medical problem, while the holistic, rights-centred approach required to implement the Convention was more appropriate to the much broader range of issues which must be addressed by prevention and care efforts.

1509. the Committee identified five main areas to be considered during the day of general discussion:

(a) Identifying and understanding the rights of children living in a world with HIV/AIDS and evaluating their status at the national level;

(b) Promoting the general principles of the Convention in the context of HIV/AIDS, including non-discrimination and participation;

(c) Identifying best practices in the implementation of rights related to the prevention of HIV/AIDS infection, and the care and protection of children infected or affected by the epidemic;

(d) Contributing to the formulation and promotion of child-oriented policies, strategies and programmes to prevent and combat HIV/AIDS;

(e) Promoting the adoption at the national level of approaches inspired by the international guidelines on HIV/AIDS and human rights jointly issued by the Office of the United Nations High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS.

1510. As for previous thematic discussions, the Committee invited representatives of United Nations organs, bodies and specialized agencies, as well as other competent bodies, including non-governmental organizations, research and academic organizations, individual experts and children, to contribute to the discussion. Several organizations and individual experts submitted contributions and other relevant documents on this theme.

1511. Representatives of the following Governments, organizations and bodies participated in the day of general discussion:

Governments

Germany, Sweden.

Governmental bodies

Swedish International Development Agency (SIDA)

United Nations entities and specialized agencies

FAO, ILO, UNAIDS, OHCHR, UNHCR, UNICEF, WHO and the NGO Liaison Office of the United Nations Office in Geneva.

Non-governmental organizations

Association François-Xavier Bagnoud (FXB) Uganda, Arab Organization for Human Rights, Casa Alianza, Children's Forum 21, Children's Rights Office (UK), Coalition

Against Trafficking in Women, Defence for Children International (DCI), DCI Israel, Enfants du monde-Droits de l'homme, Federation for the Protection of Children's Human Rights (Japan), FXB Centre for Health and Human Rights, International Baby Food Action Network, International Council of Women, International Federation of Social Workers, International Inner Wheel, International Women's Anthropology Conference, International Women's Rights Action Watch (IWRAW), New Humanity, NGO Group on the Convention on the Rights of the Child, NGO Group/Focal Point on Sexual Exploitation, NGO Working Group on Nutrition, Save the Children International Alliance, Save the Children UK, Save the Children USA, Swedish Save the Children, World Federation of Methodist Women, World Association of Girl Guides and Girl Scouts, World Vision International.

1512. The meeting was opened by Ms. Sandra Mason, Chairperson of the Committee, who reminded participants of the key objectives set by the Committee for the day of discussion.

1513. The first half of the morning session was dedicated to the statements by the High Commissioner for Human Rights, the Executive Director of UNAIDS, the Rapporteur of the Committee on the Rights of the Child and four young representatives of the Children's Forum of Nepal.

1514. The High Commissioner welcomed the holding of a discussion day on the theme of children living in a world with HIV/AIDS. Infants, young children and adolescents were all confronted with a serious challenge to the enjoyment of their rights as a result of the pandemic. The Convention on the Rights of the Child, and in particular the four general principles that it enunciated, provided a powerful framework for efforts to reduce the negative impact of the disease on the lives of children. She emphasized the limits on a child's capacity to influence his or her own behaviour or that of others to prevent HIV infection, which was often compounded by the denial of access to information. She drew the attention of participants to the relevance of the international guidelines on HIV/AIDS and human rights, elaborated jointly by her Office and UNAIDS.

1515. The Executive Director of UNAIDS highlighted the need to find ways to ensure that the needs of children were fully considered in HIV/AIDS prevention and care strategies. He recalled that UNAIDS had already used the theme "Children living in a world with AIDS" to raise awareness about the integration of the needs of children into activities that were mainly being targeted at adults. Millions of children were now infected with HIV, while even more were affected by the epidemic as it spread through their families and communities. UNAIDS was concentrating on the potential of young people to help change the course of the epidemic. UNAIDS had learned four main lessons: that adolescents were effective peer educators for HIV prevention; that schools must teach "life-skills education", including on sexuality and healthy living; that health services had to be youth friendly; and that children needed to be active participants in the search for a response to the epidemic. The key objective for HIV/AIDS policies dealing with children must be to empower children to protect themselves. In addition, efforts to confront the epidemic must deal with structural factors which made it impossible for people to protect themselves, including attitudes which served as barriers to education and the provision of health services. The process of reporting to the Committee on the Rights of the Child provided an ideal opportunity for all partners at the national level to assess progress in prevention and care, and to map out future courses of action. He concluded by reminding participants that the bottom line in HIV prevention was the need to apply what was known to work, even when it required tough and unpopular political choices. That included investing resources in putting young people at the centre of the response to the epidemic and empowering them to be forces for change.

1516. Mrs. Mboi said that the Committee was looking for ways to increase its effectiveness in helping to mobilize global awareness and action on behalf of children at special risk in a world with AIDS. What had initially been seen as a health problem had increasingly been recognized as a highly complex phenomenon. The Convention on the Rights of the Child, with its comprehensive approach, was particularly relevant to the experience of children with HIV/AIDS. It was explicit, for example, about the right of children to protection against poverty, sexual abuse or sexual exploitation, and equally clear about the right to education, access to information, or adequate health care. The indivisible and interdependent nature of the Convention's articles made it a uniquely appropriate tool to promote the child's empowerment. In conclusion, Mrs. Mboi emphasized that while Governments had a primary responsibility in promoting and protecting children's rights, experience had taught the Committee that the larger the role played by civil society, the greater the likelihood that rights would be well reflected in local and national agendas. Of course, the role that young people could and should play in HIV/AIDS matters was even more essential.

1517. Four young representatives of the Children's Forum of Nepal also made brief statements. Tejman Raika described the activities of the Forum, which had allowed him to learn about the Convention on the Rights of the Child and to request and receive information on HIV/AIDS which could be passed on to other members of the Forum. Radhika Mishra mentioned early marriage as a particularly important problem as it interrupted education, in particular of young girls, who were then cut off from access to information and become more vulnerable to HIV/AIDS, which could be transmitted to them by their own husbands. Unfortunately, some older men held the mistaken belief that their infection could be cured through sexual contact with young girls. Sandesh Koirala said that reluctance to talk about sex was a strong characteristic of national culture that limited access to information about safe sex. Infected children lost their right to survival, while those affected through the infection of their parents might see their right to education and development compromised. Ganga Rimal explained that young people active in the Children's Forum had sought to increase knowledge about HIV/AIDS among their peers, to discuss those issues with them, to give lectures in their schools and to conduct competitions among other students. The children pointed out that their own education efforts were more relevant to other children, and that they needed adults to allow them to carry out those activities and to support their initiatives, giving equal weight to children's and adult's rights. They would like to see HIV/AIDS education integrated into the school curricula, health services made more youth friendly, increased support provided to street children and, in general, better education and opportunities made available to children.

1518. UNICEF presented a CD-Rom on "Children living in a world with HIV/AIDS: new challenges, new choices", which described the impact that the pandemic was having on the lives of children around the world.

1519. Mrs. Sofia Gruskin, of the François-Xavier Bagnoud Centre for Health and Human Rights, emphasized that although the three discussion groups would focus on non-discrimination, prevention and care issues, in practice prevention and care were increasingly recognized as being part of a continuum and that the rights-based approach and the public-health approaches had to be integrated.

1520. Following the group discussions, the rapporteurs of the three groups presented to the plenary the main issues of concern that had been identified by each group. This was followed by a general discussion. Mr. Abramson, rapporteur for the day of discussion, then presented a summary of the main issues raised during the day.

1521. The discussions emphasized the interconnection between HIV/AIDS-related strategies and a rights-centred approach to the child. It was suggested that HIV/AIDS was similar to other problems faced by children, in that the same factors that compromised the enjoyment of other rights increased the vulnerability of children in the context of the HIV/AIDS epidemic. They included, for example, poverty, gender discrimination and the difficulties faced by children in need of special protection, whether institutionalized, living in the streets, involved in armed conflicts or substance abuse, exploited and abused, etc. The holistic approach enshrined in the Convention meant that promoting its implementation could help to address the needs of children suffering from the tragic consequences of the epidemic. Further dissemination of and training on the Convention was needed in the context of HIV/AIDS efforts. However, similar problems faced by other children should not be ignored. For example, strategies designed to provide care for the growing number of orphans that the epidemic was causing must be targeted to all orphans in the community; focusing solely on those orphaned by AIDS must be avoided.

1522. More and better use should be made of existing and new international legal instruments that would assist in the effort to improve HIV/AIDS prevention and care. While repeated reference was made to the international guidelines on HIV/AIDS and human rights, other instruments could also be of use, including the new ILO convention on the elimination of the worst forms of child labour.

1523. Several areas in which States should be encouraged to review existing laws or enact new legislation were identified: full implementation of article 2 of the Convention to prevent discrimination based on real or perceived HIV status; guaranteeing inheritance rights and security of tenure for children, irrespective of their gender; regulating the minimum age for access to health counselling, care and welfare benefits; guaranteeing the right of children to have access to HIV-related information and to voluntary testing, as well as to protection against mandatory testing; protecting children against sexual abuse and providing rehabilitation for victims and prosecuting perpetrators; and recognizing the specific rights of the child to privacy and confidentiality with respect to HIV/AIDS.

1524. Participants agreed on the need to recognize that children were holders of rights and had a right to participate, in accordance with their evolving maturity, in the development of policies and programmes related to HIV/AIDS information and education. Children had a right to express their opinion and have it taken into account. The children from Nepal requested that the programmes and policies prepared by States, international agencies and NGOs provide the support that would allow children to participate fully and actively in the planning and implementation of strategies designed to provide HIV/AIDS prevention and care in a non-discriminatory manner. The participation of children and adolescents, and in particular girls, as peer educators, both within and outside of schools, should be actively promoted. Young people should, in particular, be involved in the design and development of health-care policies and programmes, including comprehensive adolescent reproductive health policies. The natural solidarity of young people should be the basis for encouraging children to participate as care givers according to their evolving capacity. Participants pointed out that it was important to address the barriers that existed to effective participation of children, often rooted in the attitudes of adults.

1525. It became apparent from the discussion that the information available was not reaching all those who needed to have access to it, as was evidenced by the persistence of fears and myths relating to HIV/AIDS. For example, participants commented on the connection between child prostitution and HIV/AIDS: the dangerously mistaken myth that younger prostitutes were less likely to transmit the virus was dragging more and ever younger girls and boys into prostitution. Strategies must go beyond the provision of information to a search for effective ways to change attitudes. Access to information was identified as a fundamental human right, which should become the key element of prevention strategies; denial of the child's right to information compromised the enjoyment of many other rights. Information on HIV/AIDS should be made available through age-appropriate media, and should also reach adults with influence over children's lives, to enable them to support children in the exercise of their rights. States should emphasize the provision of adequate training in HIV/AIDS-related children's issues to persons employed in childcare agencies and institutions. Information campaigns should be regularly evaluated to ascertain their effectiveness and carefully targeted to reach different groups, in order to reduce fear and misperceptions concerning HIV/AIDS and its transmission. Participants mentioned the conflict between the need to promote policies and programmes to raise awareness about the serious risks posed by the epidemic and the danger of dramatizing the disease in ways that contributed to the discrimination suffered by those infected and affected by HIV/AIDS. In that context, several references were made to the need to use language carefully and avoid terminology that referred, for example, to children with HIV/AIDS as "victims" or to children orphaned by AIDS as "AIDS orphans".

1526. States should develop HIV/AIDS and children's rights education programmes for the media to ensure that the rights to privacy and confidentiality of children affected by HIV/AIDS were protected in reporting on HIV issues.

1527. The children from Nepal raised the question of the need to identify the best strategies for channelling information about HIV/AIDS to different groups of children. States should incorporate in the school curricula material relating to the rights of the child, reproductive health and HIV/AIDS. Participants also referred to alternatives that had been proved to work in different situations, including involving young people in the programming of community radio stations; the use of "question books" in which children identified the questions they wanted answered; the use of focus group discussions or, when possible, individual counselling for each child; disseminating information on television and so reaching children who did not attend school; or focusing on the training of trainers. The children pointed out that different media could and must be used to reach different groups, and that while peer education was probably the most effective system to disseminate information to older children, no single strategy could reach all children. HIV/AIDS information and the channels used to disseminate it must be adapted to the social, cultural and economic context, and strategies for the dissemination of information must take into account the diversity of audience groups and be structured accordingly.

1528. Improved access to information was also a crucial issue in the provision of care. The need to increase and disseminate knowledge of community-based HIV/AIDS prevention and care strategies which had positive outcomes was emphasized. Participants agreed that States must reassess HIV/AIDS data collection and analysis to ensure that they covered children as defined in the Convention on the Rights of the Child (persons under 18 years of age). There was an urgent need for States to collect sex and age disaggregated data, which must inform the development of effective prevention strategies.

1529. While outright discrimination based on HIV/AIDS had always been a problem, there was now a need to broaden the fight to include all forms of discrimination that contributed to increasing the impact of the epidemic. States, international agencies and NGOs should attempt to provide a supportive and enabling environment to address underlying prejudices and discrimination through the promotion of community dialogue and through specially designed social and health services. They should also promote education and training programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS. The Committee on the Rights of the Child should search for creative strategies to encourage the international community, as well as States, to pay special attention to children who were particularly powerless and thus more vulnerable to discrimination and HIV infection.

1530. Participants emphasized the dramatic impact, in terms of HIV/AIDS vulnerability, of the particularly severe discrimination faced by girls. Lack of control over their own lives increased their level of risk; when young girls had older men as sexual partners, that powerlessness was increased. Raising the age of legal consent could help to prevent that imbalance, but increased the danger that public strategies would be based on false assumptions, as the average age of first sexual experience was very often much lower than the age of legal consent. Specific targeting of young women for access to services, information and participation was underlined as an urgent priority, while the gender-based roles predominant in each situation should be carefully considered when planning strategies for specific communities. Reference was also made to the particular problems posed by discrimination against HIV-infected people, which disproportionally affected girls and women when associated with judgemental attitudes about sexual activity. Participants pointed out that discrimination based on sexual orientation was also of particular relevance in the context of HIV/AIDS, as homosexual boys and girls, as well as belonging to a particularly vulnerable group, often faced acute discrimination.

1531. There were repeated references to the need to see children as a non-homogeneous group, and to take into account the different needs of children of different ages, of girls, of children living in urban or rural settings, of substance abusers, of sexually exploited or abused children, of those involved in armed conflict, of disabled children, etc. Preventive strategies and decisions on care strategies should be relevant to the social, economic, cultural and political context in which children lived. While the best approach to care to children living in many rural or urban settings might be through support to families, children living and/or working in the streets, exploited children, or children living in abusive families might require alternative forms of care.

1532. States, international agencies and NGOs should ensure that health, care and counselling services met the needs of children and young people. The aim of all care policies and programmes must be to provide child/youth oriented, child/youth appropriate, and child/youth friendly services, and efforts were needed to identify barriers to the provision of such youth friendly services. A rights-centred approach recognized the child's status as a subject of rights, and the right of children to request health services autonomously, including in the area of sexually transmitted diseases or the prevention of teenage pregnancies.

1533. Groups whose needs must be considered in HIV/AIDS-related care included children born with HIV, children orphaned by AIDS, those whose rights were threatened as a result of the epidemic's impact on health and other public services, and traditional care givers (including family members and communities). Adequate care must include the periodic review of the situation of children in foster care or in need of such care.

1534. Participants discussed at length the need for additional research and for strategies that minimized the risk of mother-to-child transmission of HIV without automatically promoting the use of bottle-fed formula. Alternatives such as warming mother's milk to destroy the virus, or establishing breast milk banks, recurring to wet-nurses, etc., needed to be better explored, and health-care workers must be trained on the availability of such alternatives and on the need to support the mother's decisions, with primary consideration given to the best interests of the child.

1535. NGOs could be a source of innovative approaches and played a fundamental role in the provision of care to many groups of children not reached by more conventional services, but they could not be expected to provide the broad coverage required for the entire population of children. NGOs should explore the possibilities for new partnerships which could bring together organizations that deal with human rights, children-centred ones and AIDS-focused NGOs to look together for ways to respond to the epidemic.

1536. On the basis of the recommendations of the discussion groups and the general discussion that followed on the various issues, the following recommendations were formulated by the Committee:

(a) States, programmes and agencies of the United Nations system and NGOs should be encouraged to adopt a children's rights-centred approach to HIV/AIDS. States should incorporate the rights of the child in their national HIV/AIDS policies and programmes and include national HIV/AIDS programme structures in national mechanisms for monitoring and coordinating children's rights;

(b) States should adopt and disseminate the International Guidelines on HIV/AIDS and Human Rights and ensure their implementation at the national level. Programmes and agencies of the United Nations system, as well as NGOs, should contribute to the dissemination and implementation of the guidelines;

(c) The right of children to participate fully and actively in the formulation and implementation of HIV/AIDS strategies, programmes and policies should be fully recognized. A supportive and enabling environment should be provided, in which children are allowed to participate and receive support for their own initiatives. The proven effectiveness of peer education strategies, in particular, should be recognized and taken into account for its potential contribution to the mitigation of the impact of the HIV/AIDS epidemic. The key objective of HIV/AIDS policies should be to empower children to protect themselves;

(d) Access to information as a fundamental right of the child should become the key element in HIV/AIDS prevention strategies. States should review existing laws or enact new legislation to guarantee the right of children to have access to HIV/AIDS-related information, including to voluntary testing;

(e) Information campaigns targeting children should take into account the diversity of audience groups and be structured accordingly. Information on HIV/AIDS should be adapted to the social, cultural and economic context, and it should be made available through age-appropriate media and channels of dissemination. In the selection of target groups, attention should be given to the special needs of children who experience discrimination or who are in need of special protection. Information strategies should be evaluated for their effectiveness in leading to changes of attitude. Information on the Convention on the Rights of the Child and on HIV/AIDS issues, including the teaching of life-skills, should be incorporated in school curricula, while different strategies should be designed to distribute such information to children who cannot be reached through the school system;

(f) HIV/AIDS data collected by States, and by programmes and agencies of the United Nations system, should reflect the Convention's definition of a child (human beings under 18 years of age). Data on HIV/AIDS should be disaggregated by age and gender and reflect the situation of children living in different circumstances and of children in need of special protection. Such data should inform the design of programmes and policies targeted to address the needs of different groups of children;

(g) More information should be collected and disseminated on best practices, in particular on community-based approaches to HIV/AIDS which have positive outcomes;

(h) More research should be carried out on mother-to-child transmission, and in particular on the risks of and alternatives to breastfeeding;

(i) Information designed to raise awareness about the epidemic should avoid dramatizing HIV/AIDS in ways that can lead to further stigmatization for those affected by the epidemic;

(j) States should review existing laws or enact new legislation to implement fully article 2 of the Convention on the Rights of the Child, in particular to prohibit expressly discrimination based on real or perceived HIV status and to prohibit mandatory testing;

(k) Urgent attention should be given to the ways in which gender-based discrimination places girls at higher risk in relation to HIV/AIDS. Girls should be specifically targeted for access to services, information and participation in HIV/AIDS-related programmes, while the gender-based roles predominant in each situation should be carefully considered when planning strategies for specific communities. States should also review existing laws or enact new legislation to guarantee inheritance rights and security of tenure for children irrespective of their gender;

(l) Prevention and care strategies designed to deal with the epidemic should focus on children in need of special protection, including those living in institutions (whether social welfare ones or detention centres), those living or working in the streets, those suffering from sexual or other types of exploitation, those suffering from sexual or other forms of abuse and neglect, those involved in armed conflict, etc. States should, in particular, review existing laws or enact new legislation to protect children against sexual exploitation and abuse and to ensure rehabilitation of victims and the prosecution of perpetrators. Particular attention should also be given to discrimination based on sexual orientation, as homosexual boys and girls often face acute discrimination while being a particularly vulnerable group in the context of HIV/AIDS;

(m) HIV/AIDS care should be defined broadly and inclusively to cover not only the provision of medical treatment, but also of psychological attention and social reintegration, as well as protection and support, including of a legal nature;

(n) Barriers to the provision of youth-friendly health services should be identified and removed. States should review existing laws or enact new legislation to regulate the minimum age for access to health counselling, care and welfare benefits. The formulation of comprehensive adolescent reproductive health policies should be based on the right of children to have access to information and services, including those designed to prevent sexually transmitted diseases or teenage pregnancy;

(o) States should review existing laws or enact new legislation to recognize the specific rights of the child to privacy and confidentiality with respect to HIV/AIDS, including the need for the media to respect these rights while contributing to the dissemination of information on HIV/AIDS;

(p) States, programmes and agencies of the United Nations system, and NGOs should explore the possibilities for new partnerships which could bring together organizations that deal with human rights, children-centred ones and AIDS-focused ones to look together for ways to respond to the epidemic and to work together in reporting to the Committee on the Rights of the Child.

4. Special commemorative meeting to celebrate the tenth anniversary of the adoption of the Convention on the Rights of the Child

1537. On 20 November 1999, the international community celebrated the tenth anniversary of the adoption of the Convention on the Rights of the Child by the General Assembly. To mark this anniversary, the High Commissioner for Human Rights suggested to the Committee at its twentieth session that a special meeting be organized, within the framework of its twenty-second session, to assess the impact of the Convention and to elaborate recommendations to improve its implementation. Accordingly, at its twenty-first session, the Committee decided to devote its next general discussion to a meeting to be organized jointly with OHCHR, which would have as its theme "Tenth anniversary of the Convention on the Rights of the Child commemorative meeting: achievements and challenges", to be held on 30 September and 1 October 1999.

1538. In view of the substantial amount of information that was prepared and submitted for this meeting, and of the number and diversity of participants and the richness of the discussions, OHCHR would prepare and distribute a special report on the meeting, which would include the most relevant documents and a more detailed account of the presentations and discussions that took place in the plenary and round table sessions. The following paragraphs only provide summary information on the meeting and highlight its recommendations.

1539. The main objective of the meeting was to highlight major achievements and constraints in the implementation of the Convention on the Rights of the Child and identify measures needed to improve implementation in the future. The meeting reviewed the impact of the Convention, with the main focus on the lessons learnt from implementation efforts at the national level. The discussions focused on the need to identify achievements and examples of best practice, identify challenges for the future and examples of constraints and formulate recommendations for future improvements.

1540. The meeting was divided into three round tables, held simultaneously. These are described below.

Round table I: Translating law into reality

1541. After the adoption of an international treaty, implementation faced two initial challenges: the translation of the international legal obligations enshrined in the Convention into domestic legal obligations, and the translation of domestic laws into reality by means of their day-to-day implementation. The discussion addressed four themes: (a) reservations to the Convention on the Rights of the Child; (b) the status of the Convention in national legislation; (c) legislative review to ensure compatibility with the provisions of the Convention; and (d) practice in courts, including court cases making formal reference to the Convention.

Round table II: Putting child rights on the agenda

1542. Implementation of the Convention at the national level required an enormous and systematic effort to ensure that its principles and provisions informed the attitudes and activities that affected the enjoyment of rights by all groups of children. For the adoption of the Convention to bring about change, the concept of child rights must be understood and adopted by the general public, and in particular by professionals working with or for children and by decision makers who allocate economic resources at the national and international levels. The discussion addressed four themes: (a) dissemination and general awareness-raising; (b) training of professional groups; (c) resource mobilization, including the issues of budgetary allocations or macroeconomic policies; and (d) international cooperation and technical assistance.

Round table III: Building partnerships for the realization of rights

1543. Implementation of the Convention was a process that required participation by many different actors. The international reporting process should be the catalyst for national reflection and review; but national implementation required the permanent involvement of institutions at the national level, including Government and independent bodies. A key role in ensuring implementation at every level was played by non-governmental institutions and, even more crucially, by children themselves. The discussion addressed four themes: (a) the reporting process as a catalyst for domestic review and debate of the implementation of the Convention; (b) coordination and independent monitoring structures; (c) involvement of civil society, focusing on the role played by NGOs in the implementation of the Convention; and (d) child participation, including participation in the formulation of government decisions and policies.

1544. As for previous thematic discussions, representatives of States, United Nations organs, bodies and specialized agencies, as well as other competent bodies, including NGOs, research and academic organizations, individual experts and children, were invited to contribute to the discussion. Twelve experts were invited to prepare written presentations to the round tables (the discussion on the theme of child participation, in the round table III, was launched by a group of children and no written presentation was prepared for this theme). Several States, United Nations agencies and bodies, NGOs and individual experts also submitted contributions and other documents relevant to the themes discussed.

1545. Representatives of the following organizations and bodies participated in the day of general discussion:

Governmental bodies

Mrs. Mairam Akayeva, First Lady of the Kyrgyz Republic; Ministry of Human Resources (India); Knesset (Israel); Ministry for Child and Family Promotion (Mali); Ministry of Youth Affairs (New Zealand); Ministry for Foreign Affairs (Poland); Ministry for Foreign Affairs, Ministry of Health and Social Affairs and Swedish International Development Cooperation Agency (Sweden); Federal Ministry for Foreign Affairs, Federal Office of Social Security, and Federal Statistical Office (Switzerland).

Permanent Missions to the United Nations Office at Geneva

Albania, Australia, Bahrain, Belarus, Brunei Darussalam, Croatia, Democratic People's Republic of Korea, El Salvador, Estonia, Finland, France, Germany, Holy See, India, Iraq, Israel, Jordan, Kenya, Kyrgyzstan, Mali, Netherlands, New Zealand, Pakistan, Paraguay, Poland, Portugal, Spain, Slovenia, Sweden, Switzerland, Trinidad and Tobago, Uruguay, Yemen, and Yugoslavia.

United Nations entities and specialized agencies

Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund

(UNICEF), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), and World Health Organization (WHO).

Non-governmental organizations

Action for Sick Children, Alianza para el Desarrollo Juvenil Comunitario, Amnesty International, Anti-Slavery International, Association pour l'Améliorisation des Conditions d'Hospitalisation des Enfants, Association Presse Jeune, Associazione Volontari per il Servizio Internazionale (AVSI), Boston College Law School, Center for Reproductive Law and Policy, Centre for Child and the Law, Centre of Concern for Child Labour, Centro de Estudios e Investigación sobre la Infancia, CHANGE, Child Advocacy International, Child Rights International Research Institute, Children and Armed Conflict Unit (Univ. of Essex), Children's Rights Alliance, Children's Rights Office, Coalition to Stop the Use of Child Soldiers, Commission of the Churches on International Affairs of the World Council of Churches, Congress of Racial Equality (CORE), Conseil International des Femmes, CRIN/Save the Children, Defence for Children International, Dutch Children's Rights Shops, Enfant Droit, European Association for Children in Hospital (EACH), European University Institute, Federation for the Protection of Children's Human Rights, Focal Point on Sexual Exploitation of Children, German National Coalition for the Convention on the Rights of the Child, German National Committee for UNICEF, Human Rights Advocates, Human Rights Commission of Belize (NGO), Il Telefono Azzurro, Institute for Democracy in South Africa (IDASA), International Baby Food Action Network (IBFAN), International Association of Youth and Family Judges and Magistrates, International Bureau for Children's Rights (BIDE-IBCR), International Catholic Child Bureau, International Federation of Social Workers, International Federation Terre des Hommes, International Movement ATD Fourth World, International Save the Children Alliance, International School Psychology Association (ISPA), International Social Service, Irish Committee for UNICEF, Leaders of Tomorrow Foundation, Netherlands Institute of Human Rights (SIM)/Utrecht University, New Humanity, NGO Group for the Convention on the Rights of the Child, Oak Foundation, Office for the Study of the Psychological Rights of the Child (Indiana-Purdue University), Ombudsoffice for Children and Youth (Upper Austria), One World Media, Pak Environment Education Society, PLAN International, Poor and Progress Assistance, Presswise UK, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Rights for the Children Registered Association, Rural Environmental Development Network, Save the Children (Norway), Save the Children (Sweden), Soroptimist International, TOWDA Foundation, Universiteit Gent, VOICE, WAO Afrique, Women's World Summit Foundation, World Association of Girl Guides and Girl Scouts, World Council of Churches International Ecumenical Children's Network, World Federation of Methodist and Uniting Church Women, World Federation of United Nations Associations, World Organization against Torture (OMCT), World Vision International, Young Media Partners, and Zonta International.

1546. The meeting was opened by Ms. Nafsiah Mboi, Chairperson of the Commitee on the Rights of the Child, who welcomed all participants. The plenary session, held on the morning of Thursday, 30 September 1999, was chaired by Mr. Bertrand Ramcharan, Deputy High

Commissioner for Human Rights, and addressed the implementation of the Convention at the international level. Invited speakers included: Ms. A. Ouédraogo, Director for Policy, Development and Advocacy, International Programme on the Elimination of Child Labour (IPEC/ILO), Ms. O. Sorgho-Moulinier, Director, UNDP Office in Geneva, Mr. K. Kalumiya, Deputy Director, Department of International Protection, UNHCR, Ms. M. Santos Pais, Director, Division of Evaluation, Policy and Planning, UNICEF, Dr. J. Tulloch, Director, Department for Child and Adolescent Health, WHO, Mr. B. Gnärig, CEO, International Save the Children Alliance (NGO Group for the Convention on the Rights of the Child), Mr. E. Sottas, Director, World Organization against Torture (NGO Group for the Convention on the Rights of the Child), Ms. N. Mboi, Chairperson, Committee on the Rights of the Child, and Mr. T. Hammarberg, Special Representative of the Secretary-General for human rights in Cambodia and founding member of the Committee on the Rights of the Child.

1547. Among other issues, Ms. Ouédraogo (ILO) referred to the work of IPEC and the adoption of the new ILO Convention (No. 182) on the Worst Forms of Child Labour, and requested the Committee on the Rights of the Child to continue its involvement in this area. Ms. Sorgho Moulinier (UNDP) noted the adoption by UNDP in 1998 of a policy "integrating human rights with sustainable human development" and referred to current efforts to strengthen the organization's capacity in the field of human rights and its relation to development. Mr. Kalumiya (UNHCR) expressed concern at the high number of children among refugees and displaced persons and at the increasing "targeting" of children in ethnically based and intra-State conflicts; he also stressed that the root causes of refugee displacements were invariably linked to the denial of human rights. Ms. Santos Pais (UNICEF) emphasized the broad ratification of the Convention on the Rights of the Child by Governments. She welcomed the abandonment of the false dichotomy between development and human rights, cast aside with the adoption - as part of the reform process - of human rights as a cross-cutting theme for the work of the United Nations. Mr. Tulloch (WHO) stressed the impact of ill-health and poverty on the right of children to survival and development. He reiterated his organization's full commitment to placing the basic right to health and the health care of children and adolescents more prominently on the international and national human rights agendas, using the Convention on the Rights of the Child as a tool for advocacy and a conceptual framework for programmes. He also referred to efforts to increase awareness of child rights within WHO as well as the organization's input to the reporting process of the Committee on the Rights of the Child.

1548. Mr. Sottas (OMCT/NGO Group) recalled the apprehension, at the time the Convention was adopted, regarding the potential for conflict with existing international standards. The Convention had instead made a remarkable contribution, partly owing to its almost universal ratification, but also by foreseeing from the beginning a very strong role for non-governmental organizations, which had forced them to re-examine their own work; he emphasized the need to increase the age for recruitment into the armed forces and participation in hostilities. Mr. Gnärig (International Save the Children Alliance/NGO Group) suggested that the Convention had had some impact in persuading States parties to review their legal frameworks, while much remained to be done to raise awareness about the Convention at the level of regional and local institutions. He highlighted discrimination (against children working or living in the streets, children with disabilities, refugee children, children belonging to ethnic minorities, etc.) as a critical area and encouraged children to claim their own rights. He also suggested that NGOs needed to improve their coordination efforts (and with Governments and international agencies) and to give higher priority to child rights.

1549. Ms. Mboi (Chairperson of the Committee) highlighted seven key areas where, in the experience of the Committee, progress had been made but where major challenges remained. She stressed the need for an inclusive approach in all aspects of work related to the Convention by Governments and civil society, adults and children; the importance of working on all rights, with increased attention given to prosecution of violations of child rights; and improvements in the mechanisms and quality of child participation in affairs affecting their own lives. She referred to the Committee's commitment to addressing the backlog of reports while maintaining, and if possible improving, the relevance and practical applicability of concluding observations and recommendations. Finally, she announced the Committee's decision to begin adopting general comments as a contribution to the jurisprudence of human rights. Mr. Hammarberg (founding member of the Committee) outlined four key challenges for the future. In taking child rights "from lip service to political action", there was a need to (a) explore the implications of article 3 (bests interests of the child), including the need to assess the impact of decision-making on child rights, and (b) implement article 4 by allocating the maximum extent of available resources to the implementation of child rights, including the need for appropriate budgetary processes at the national level and for international financial institutions to give increased attention to child rights; in going "from charity to solidarity", there was a need to look more seriously (c) at article 19 and the prevention of child abuse, including the resistance to banning corporal punishment, and (d) at article 12 and how to encourage child participation, not only through one-off events or symbolic gestures but also at the local level, for every decision and on an everyday basis.

1550. Mr. Huhtaniemi (Finland) presented a statement, on behalf of the States members of the European Union and supported by many other European States, welcoming the new willingness to accept children as the subjects of rights, emphasizing the need to increase protection for children involved in armed conflict or victims of exploitation, and reiterating their opposition to the death penalty particularly when applied to juvenile offenders. The statement also expressed full support for the work of the Committee on the Rights of the Child, which faced a heavy workload, for the involvement of NGOs and for the efforts of United Nations bodies and agencies, including the attention given by the Office of the High Commissioner for Human Rights to child rights in the context of its work on national human rights institutions and macroeconomic policies. Mr. Iakubowski (Poland) recalled that Poland had submitted in 1978 the draft for the proposed new convention, and urged that child rights be placed at the heart of all activities. Ms. Orkan (Sweden) emphasized the need to focus on child participation, to introduce a child-rights impact assessment for policy-making (including on budgetary matters), and to give greater priority to child rights in development policies. Mr. Hassan (Iraq) referred to the suffering of Iraqi children under the economic embargo. Ms. Rao (India) pointed out the complexity involved in ensuring that all the provisions of the Convention are eventually translated into justiciable rights, and referred to current efforts to promote child participation at the village level and to establish a National Commission for Children in India.

1551. The plenary session was informal and dynamic, and many of the children present (from Albania, Belgium, Canada, Mali, Mexico, the Netherlands, Peru, the Philippines, and the United Kingdom) took the floor to respond to the statements made by various speakers. The children asked questions regarding child rights with respect to armed conflict in Africa, street children in Asia, and discrimination against foreign children in European countries, among other issues. Many of their interventions insisted on the need for international agencies and Governments to consult and involve children more actively in decision-making. There were repeated calls for the creation of a "World Parliament for Children", with one child mentioning that such initiatives should be preceded by increased support for child participation at the local, regional and national levels.

1552. OHCHR and the Committee on the Rights of the Child hosted a reception for all participants, with the support of the Permanent Mission of Germany to the United Nations Office at Geneva, on the evening of the first day. It was followed by a performance of "Goldtooth", a musical created and performed by a group of street children from the Philippines, attended by over 200 participants, United Nations staff and invited guests from the local community, including children of all ages.

1553. Round table I was chaired by Mr. Jacob Egbert Doek (Rapporteur, Committee on the Rights of the Child), with Ms. Marta Santos Pais serving as facilitator and rapporteur. The meeting started by addressing the subject of reservations to the Convention. Ms. Santos Pais noted that the paper submitted by Ms. Marie-Françoise Lücker-Babel drew attention to the various reservations entered by States parties to the Convention and in particular to the need to clarify whether any should be seen as "contrary to the object and purpose of the Convention". The topic "Status of the Convention on the Rights of the Child in National Legislation" was presented by Ms. Sharon Detrick who highlighted the difference between States where international treaties were considered "self-executing", those that adopted an intermediate approach requiring the "incorporation" of the Convention, and those that relied on a "dualistic" approach based on harmonization of national legislation to give legal effect to the provisions of the Convention. Mr. Emilio García Méndez led the discussion on the subject "Legislative Review", pointing out that the ratification of the Convention had led to a shift from legislation based on children in "irregular situations" to legislation based on full protection and covering all children. The last subject to be discussed was "Practice in Courts", presented by Mr. Jeff Wilson who focused on the difficulties involved in invoking the Convention in court cases and on the measures that could enhance the legitimacy of the Committee on the Rights of the Child and thus the position of the Convention before the States parties' courts. Round table I was attended by 30-40 participants, including legal scholars, representatives of NGOs, governmental delegates, and one child. A full account of the perspectives and points of view presented during the discussions at all the round tables will be contained in a more detailed report.

1554. Round table II was chaired by Ms. Mboi (Chairperson, Committee on the Rights of the Child), with Mr. Hammarberg serving as facilitator and Mr. Rakesh Rajani as rapporteur. On Thursday afternoon, the meeting was addressed by Mrs. Mairam Akayeva, First Lady of the Kyrgyz Republic and founder of the Meerim International Charitable Foundation for the Support of Childhood and Maternity, who raised the issue of access to education as a basic right of children. Mr. Rajani presented the theme "Dissemination and Awareness-Raising", drawing attention to the need to adopt participatory approaches to awareness-raising and to acknowledge that the purpose of such dissemination was to bring about social change. The theme "Training of Professional Groups" was introduced by Mr. Yitahew Alemayehu who focused on the need to integrate child rights and human rights in the formal and non-formal training of professionals and to the need for such training to focus on the provision of relevant technical skills. The theme "Resource Mobilization" was introduced by Ms. Shirley Robinson, who referred to the South African "Children's Budget Project" as an example of how to address the need to increase awareness regarding the impact of budgetary decisions and macroeconomic policies on the implementation of child rights. The round table concluded with a discussion of "International Cooperation and Technical Assistance" presented by Mr. Jan Vandemoortele, who drew attention to the decline in levels of international assistance during the decade since the adoption of the Convention and to the need to give increased attention to capacity-building and to the provision of basic social services. Round table II was attended by 50-60 participants, including individual experts, representatives of NGOs, and a substantial number of governmental delegates and child participants.

1555. Round table III was chaired by Ms. Marilia Sardenberg (Vice Chair, Committee on the Rights of the Child), with Mr. Nigel Cantwell serving as facilitator and rapporteur. The discussion on "The Reporting Process as a Catalyst for Domestic Review and Debate" was launched by Ms. Lisa Woll, who emphasized the need to make the report-preparation process more participatory and to increase the usefulness of the recommendations of the Committee and the efforts to follow up on their implementation. This was followed by a discussion on "Coordination and Independent Monitoring", with a presentation by Mr. Peter Newell, who addressed the need for comprehensive national strategies and for governmental mechanisms for implementation, coordination and monitoring, and for child-impact analyses and data collection. Ms. Ankie Vandekerckhove then discussed the requirements of "ombudswork" for children, with a special emphasis on the need for independence. Ms. Virginia Murillo introduced the discussion on "Involvement of Civil Society", highlighting the role that NGOs played in the reporting process, in the review of legislation and of public policies and programmes, and in some cases also in the provision of services to children. Mr. Ben Schonveld added remarks regarding the need for NGOs to review their roles with regard to child rights. A group of children from Albania, Belgium, Mali, Mexico, the Netherlands, the Philippines and the United Kingdom launched the discussion on "Child Participation". Among other proposals, the children suggested the establishment of a "World Parliament for Children" and requested that consideration be given to including children among the members of the Committee on the Rights of the Child. Round table III was attended by 50-60 participants; numerous children took a very active part.

1556. Some of the children present at the meeting complained that the language of the recommendations had been extremely hard to follow and that some of their key proposals had not been included. Ms. Sardenberg and Ms. Ouédraogo explained that some of those proposals would require changes to the Convention itself (for example, that children be included among the expert members of the Committee) and that there had been conflicting opinions during the discussion of other proposals (for example, calling for the establishment of a permanent World Parliament of Children). Another child participant expressed appreciation for the opportunity to participate in the meeting, and the hope that in future participation of children would be open to a larger spectrum of groups and that greater emphasis would be given to participation at the local and national levels.

1557. The High Commissioner made a closing statement, thanking the children for their remarks and acknowledging that the recommendations, which reflected very hard and productive work and which would be extremely useful to guide the future work of the Office, were indeed complex and difficult to absorb during an oral presentation. She emphasized that encouraging child participation would require adults and children alike to learn how to interact. She also pointed out that the United Nations was only starting to think of ways to consider the views of children and that improvements were being made, while further efforts would be needed to find ways to make child participation more effective. She referred briefly, among other issues, to the involvement of children in armed conflict; to the special dialogue on child rights held during the fifty-fifth session of the Commission on Human Rights (on 14 April 1999) and its focus on economic, social and cultural rights (including the impact of macroeconomic policies); to the generous support from donors and the effective cooperation and involvement in the implementation of child rights of other United Nations agencies and bodies; and to the key role played by NGOs. She also noted the need for business to pay attention to child rights.

1558. On the basis of the recommendations presented by the rapporteurs of the round tables and the discussions held during the two-day meeting, the Committee decided to note and endorse the following conclusions:

(a) The Committee on the Rights of the Child wishes to restate that it represents the values and provisions of the Convention and is guided in its work by the general principles of the Convention.

(i) The Committee has a decisive role to play in monitoring the implementation of the Convention and progress made by States parties in the realization of children's rights. This monitoring role includes the assessment of measures undertaken to ensure full compatibility of law and practice with the Convention as well as to remove obstacles to its implementation;

(ii) Democratic participation and public pressure, facilitated by public awareness and training, are critical in bringing about the commitment and political will necessary for the achievement of child rights. In the same way that optimal implementation of the Convention requires the involvement of Governments, civil society, children, and international cooperation, each component of the implementation process - including reporting - requires this broad involvement;

(iii) Child rights must be viewed as the human rights of children. The experience of general human rights activities over recent decades should be analysed and used to promote respect for the rights of the child, and to avoid the perseverance of the charity mentality and paternalistic approaches to children's issues;

(b) The Committee has a decisive role to play in the assessment of the validity and impact of reservations made by States parties, and will continue to systematically raise this issue with States parties.

(i) The Committee will continue to encourage the review of reservations by States parties, as well as their withdrawal with a view to achieving the highest level of implementation of the Convention, and will consider adopting a General Comment on the subject of reservations;

(ii) The Committee will raise with States parties the compatibility of reservations with the "object and purpose of the Convention", clarify the situations where a lack of compatibility exists and reservations may be invalid, and suggest specific steps to reverse such situations;

(iii) The Committee encourages the provision of technical assistance to assist States parties in their effort to review reservations with a view to their withdrawal;

(c) The Committee will request that a detailed study be carried out on existing reservations, including on the experience of the Committee, follow up given to its recommendations for withdrawal, comparison with reservations entered by the same States parties to other human rights treaties, and potential implications of the alternative approaches the Committee could adopt;

(d) The Committee will give increased and detailed attention to the need for a systematic approach to the issue of the legal status of the Convention during its examination of reports, both initial and periodic. Of particular importance in this regard are the need to clarify the extent of applicability of the Convention in States where the principle of "self-execution" is applicable, and the precise meaning of statements indicating that the Convention "has constitutional status" or "has been incorporated" in the national legal order. The request that States parties take appropriate measures, as required by article 4, to ensure that the provisions of the Convention are given legal effect within their domestic legal systems should be considered of fundamental importance for the implementation of the Convention. These measures should include effective remedies for the children, their parents and other relevant individuals or groups, and be in accordance with article 27 of the Vienna Convention on the Law of Treaties;

(e) The Committee points out that giving primacy to the Convention in their domestic legal orders does not preclude the need for States to take action to harmonize fully their national legislation with the provisions of the Convention, and to adopt complementary legislation and enforcement mechanisms, including in particular judicial and administrative remedies, to ensure its full implementation;

(f) The Committee recommends to States parties that they set up a mechanism to ensure that all proposed and existing legislative and administrative measures are systematically reviewed to ensure compatibility with the Convention on the Rights of the Child. Such reviews should be carried out by considering all the provisions of the Convention, and be guided by its general principles; they should also give adequate attention to the need to ensure appropriate consultation with and involvement of civil society during the review process;

(g) The Committee encourages non-governmental organizations, and legal professionals and scholars, to give priority attention to providing legal analyses of existing legislation and its compatibility with the Convention to the Committee, so they can be of use in its examination of reports presented by States parties, including in areas not usually scrutinized with regard to their compatibility with the provisions of the Convention on the Rights of the Child;

(h) The Committee encourages non-governmental organizations, academics and other individual experts to carry out more detailed and systematic studies of court cases on the interpretation or application of the provisions of the Convention on the Rights of the Child, in all types of legal systems, and in all areas of the Convention. Information obtained from such studies should, if possible, be provided to the Committee, as an input for examination of reports from specific States parties;

(i) The Committee will continue to provide improved guidance and illustrations on the interpretation of the provisions of the Convention, including in the form of General Comments, and will attempt to do so in particular for the aspects that render provisions of the Convention justiciable. The Committee will give increased attention to the aspects of the examination of reports which most clearly affect the impact of the provisions of the Convention on the legal and judicial systems of States parties. The Committee encourages legal professionals and non-governmental organizations to make increased use of the Convention in bringing cases to national and international courts;

(j) The Committee will consider initiating discussions on an Optional Protocol to the Convention providing a mechanism for individual communications, to ensure the availability of legal remedies at the international level with regard to the Convention on the Rights of the Child. The Committee encourages States parties to support its efforts in this respect;

(k) The Committee recalls that dissemination and awareness-raising about the rights of the child are most effective when conceived as a process of social change, of interaction and dialogue rather than lecturing. Raising awareness should involve all sectors of society, including children and young people. Children, including adolescents, have the right to participate in raising awareness about their rights to the maximum extent of their evolving capacities;

(l) The Committee recommends that all efforts to provide training on the rights of the child be practical, systematic and integrated into regular professional training in order to maximize its impact and sustainability. Human rights training should use participatory methods, and equip professionals with skills and attitudes that enable them to interact with children and young people in a manner that respects their rights, dignity and self-respect;

(m) The Committee calls attention to the fact that economic policies are never child-rights neutral. The Committee calls on civil society to assist it in seeking the support of key international leaders, and in particular the High Commissioner for Human Rights, the Executive Director of UNICEF, and the President of the World Bank, to examine how macro-economic and fiscal policies impact on children's rights, and how these policies can be reformed so as to make them more beneficial to the implementation of the rights of the child;

(n) With regard to article 4 of the Convention, the Committee calls for action to promote and disseminate evidence that demonstrates that investing in children and basic social services makes excellent economic sense, and that their neglect undermines economic and social development. State parties and civil society actors need to make budget documentation and processes more transparent and accessible to as many people as possible, and invest in raising the "economic literacy" of the public;

(o) The Committee reminds States parties that resource allocation for basic social services has the greatest impact on the realization of child rights. This means that "the maximum extent of available resources" as emphasized in article 4, should prioritize children in resource allocation, facilitating universal provision of quality basic social services for children. Investment in children today is the best guarantor of equitable and sustainable development tomorrow. Universal access to an integrated package of basic social services is within the financial reach of the world community, though it will often require early and steep debt relief and greater reductions in military spending. In particular, State parties should provide free primary education for all children, in accordance with article 28 of the Convention, and strive for the enjoyment of the highest attainable standard of health for all children, in line with article 24 of the Convention;

(p) The Committee requests States parties to give increased attention to the provision of information regarding fiscal commitment to children, which should be transparent and adequately reported (including national and sub-national government commitment to children). In this respect, the Committee wishes to call attention to its guidelines regarding the form and content of periodic reports;

(q) The Committee requests that attention be given to the inclusion of the review of the "20/20 initiative" and its implementation at the "Special Session of the General Assembly in the year 2000 for the overall review and appraisal of the implementation of the outcome of the World Summit for Social Development", and at the "Special Session of the General Assembly on the Follow Up of the World Summit for Children in 2001";

(r) The Committee reminds States parties that they should take all necessary measures to ensure that wide consultation takes place during the preparation of reports, and that the report preparation process serves to stimulate public debate and awareness regarding the implementation of the Convention;

(s) The Committee will give increased consideration to looking for ways in which the reporting burden on States could be reduced to facilitate improvements in the report preparation process. The Committee may, if necessary and on a case-by-case basis, consider identifying priorities in reporting or reducing expectations in that regard, while ensuring continuous monitoring of the rights of the child. Any efforts in this respect will be carefully considered to ensure coordination with approaches used by other treaty bodies monitoring the implementation of international human rights treaties;

(t) The Committee points out that every national, as well as State and local, level of government, must place coordinating responsibility for child rights within a senior level of government. It recommends that these coordinating bodies be at the appropriate level, such as in the office of the President or similar executive levels in State and local governments. Each coordinating body should be vested with the status and financial and human resources to enable it to carry out its duties and to obtain or demand cooperation from all government departments in implementing children's rights.

(u) The Committee recalls that coordination of implementation efforts should be accompanied by provision for effective review and monitoring of achievement. The Committee considers that permanent structures and mechanisms that exist for the promotion of human rights - such as ombudspersons or national human rights commissions - can be effectively used for the human rights of children, provided sufficient importance is in practice given to this population group, for example through a specific focal point within the structure concerned. The establishment of independent monitoring mechanisms, whether specifically for child rights or within the functions of national human rights institutions is thus particularly encouraged. The establishment of such mechanisms should build on the requirements of the Convention, the "Paris Principles", and the practical experiences of existing institutions. Guidelines should be developed for the effective promotion of the human rights of children by national human rights institutions;

(v) The Committee recommends that the relationship between Governments, NGOs, children and other actors, in the implementation of child rights be continuously reviewed, so as to ensure the avoidance of negative impacts on children's rights of reduced financial support for programmes, in accordance with the spirit of the Convention. The Committee recommends that States parties ensure:

(i) That they do not devolve responsibility for the implementation of children's rights to non-governmental organizations without the necessary provision of resources, including training, and that the involvement of non-governmental organizations in implementation efforts does not lead to the abdication of responsibility by the States parties;

(ii) That the provision of financial or other resources by States or others does not threaten the independent role of civil society;

(iii) That in any decentralization or privatization process, the Government retains clear responsibility and capacity for ensuring respect of its obligations under the Convention;

(w) The Committee will consider adopting, as a priority, a comprehensive general comment on child participation as envisaged in the Convention (and more particularly in articles 12 through 17) bearing in mind that participation includes, but is not limited to, consultation and proactive initiatives by children themselves. The Committee reminds States parties of the need to give adequate consideration to the requirements of these provisions. Such attention should include:

(i) Taking appropriate measures to support the right of children to express their views;

(ii) Ensuring that schools, as well as other bodies providing services for children, establish permanent ways of consulting with children in all decisions concerning their functioning, the content of the curriculum or other activities;

(iii) Increased consideration to the creation of space, channels, structures and/or mechanisms to facilitate the expression by children of their views, in particular with regard to the formulation of public policies from local up to national level, with appropriate support from adults, including in particular support regarding training. This requires investment to institutionalize effective spaces and opportunities for children to express their views and to engage with adults, especially through schools, community organizations, NGOs, and the media;

(iv) Encouraging and facilitating the creation of structures and organizations run by and for children and youth;

(x) The Committee encourages States parties, non-governmental organizations, and others preparing reports, to include the views of children, in particular on the status of children's rights and the impact of the Convention on their lives, in monitoring and reporting on the implementation of the Convention;

(y) The Committee will give careful consideration to the need to ensure the most appropriate approach to the participation of children in its own work.

Annex I

STATES WHICH HAVE RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 4 FEBRUARY 2000

(191)

States	Date of signature	Date of receipt of instrument of ratification/ accession[a]	Date of entry into force
Afghanistan	27 September 1990	28 March 1994	27 April 1994
Albania	26 January 1990	27 February 1992	28 March 1992
Algeria	26 January 1990	16 April 1993	16 May 1993
Andorra	2 October 1995	2 January 1996	1 February 1996
Angola	14 February 1990	5 December 1990	4 January 1991
Antigua and Barbuda	12 March 1991	5 October 1993	4 November 1993
Argentina	29 June 1990	4 December 1990	3 January 1991
Armenia		23 June 1993[a]	22 July 1993
Australia	22 August 1990	17 December 1990	16 January 1991
Austria	26 January 1990	6 August 1992	5 September 1992
Azerbaijan		13 August 1992[a]	12 September 1992
Bahamas	30 October 1990	20 February 1991	22 March 1991
Bahrain		13 February 1992[a]	14 March 1992
Bangladesh	26 January 1990	3 August 1990	2 September 1990
Barbados	19 April 1990	9 October 1990	8 November 1990
Belarus	26 January 1990	1 October 1990	31 October 1990
Belgium	26 January 1990	16 December 1991	15 January 1992
Belize	2 March 1990	2 May 1990	2 September 1990
Benin	25 April 1990	3 August 1990	2 September 1990
Bhutan	4 June 1990	1 August 1990	2 September 1990
Bolivia	8 March 1990	26 June 1990	2 September 1990
Bosnia and Herzegovina[b]			6 March 1992
Botswana		14 March 1995[a]	13 April 1995
Brazil	26 January 1990	24 September 1990	24 October 1990
Brunei Darussalam		27 December 1995[a]	26 January 1996

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[a] Accession.

[b] Succession.

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
Bulgaria	31 May 1990	3 June 1991	3 July 1991
Burkina Faso	26 January 1990	31 August 1990	30 September 1990
Burundi	8 May 1990	19 October 1990	18 November 1990
Cambodia	22 September 1992	15 October 1992	14 November 1992
Cameroon	25 September 1990	11 January 1993	10 February 1993
Canada	28 May 1990	13 December 1991	12 January 1992
Cape Verde		4 June 1992[a]	4 July 1992
Central African Republic	30 July 1990	23 April 1992	23 May 1992
Chad	30 September 1990	2 October 1990	1 November 1990
Chile	26 January 1990	13 August 1990	12 September 1990
China	29 August 1990	2 March 1992	1 April 1992
Colombia	26 January 1990	28 January 1991	27 February 1991
Comoros	30 September 1990	22 June 1993	21 July 1993
Congo		14 October 1993[a]	13 November 1993
Cook Islands		6 June 1997[a]	6 July 1997
Costa Rica	26 January 1990	21 August 1990	20 September 1990
Côte d'Ivoire	26 January 1990	4 February 1991	6 March 1991
Croatia[b]			8 October 1991
Cuba	26 January 1990	21 August 1991	20 September 1991
Cyprus	5 October 1990	7 February 1991	9 March 1991
Czech Republic[b]			1 January 1993
Democratic People's Republic of Korea	23 August 1990	21 September 1990	21 October 1990
Democratic Republic of Congo	20 March 1990	27 September 1990	27 October 1990
Denmark	26 January 1990	19 July 1991	18 August 1991
Djibouti	30 September 1990	6 December 1990	5 January 1991
Dominica	26 January 1990	13 March 1991	12 April 1991
Dominican Republic	8 August 1990	11 June 1991	11 July 1991
Ecuador	26 January 1990	23 March 1990	2 September 1990
Egypt	5 February 1990	6 July 1990	2 September 1990
El Salvador	26 January 1990	10 July 1990	2 September 1990

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
Equatorial Guinea		15 June 1992[a]	15 July 1992
Eritrea	20 December 1993	3 August 1994	2 September 1994
Estonia		21 October 1991[a]	20 November 1991
Ethiopia		14 May 1991[a]	13 June 1991
Fiji	2 July 1993	13 August 1993	12 September 1993
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Gabon	26 January 1990	9 February 1994	11 March 1994
Gambia	5 February 1990	8 August 1990	7 September 1990
Georgia		2 June 1994[a]	2 July 1994
Germany	26 January 1990	6 March 1992	5 April 1992
Ghana	29 January 1990	5 February 1990	2 September 1990
Greece	26 January 1990	11 May 1993	10 June 1993
Grenada	21 February 1990	5 November 1990	5 December 1990
Guatemala	26 January 1990	6 June 1990	2 September 1990
Guinea		13 July 1990[a]	2 September 1990
Guinea-Bissau	26 January 1990	20 August 1990	19 September 1990
Guyana	30 September 1990	14 January 1991	13 February 1991
Haiti	20 January 1990	8 June 1995	8 July 1995
Holy See	20 April 1990	20 April 1990	2 September 1990
Honduras	31 May 1990	10 August 1990	9 September 1990
Hungary	14 March 1990	7 October 1991	6 November 1991
Iceland	26 January 1990	28 October 1992	27 November 1992
India		11 December 1992[a]	11 January 1993
Indonesia	26 January 1990	5 September 1990	5 October 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994	12 August 1994
Iraq		15 June 1994[a]	15 July 1994
Ireland	30 September 1990	28 September 1992	28 October 1992
Israel	3 July 1990	3 October 1991	2 November 1991
Italy	26 January 1990	5 September 1991	5 October 1991
Jamaica	26 January 1990	14 May 1991	13 June 1991
Japan	21 September 1990	22 April 1994	22 May 1994
Jordan	29 August 1990	24 May 1991	23 June 1991
Kazakhstan	16 February 1994	12 August 1994	11 September 1994
Kenya	26 January 1990	30 July 1990	2 September 1990

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
Kiribati		11 December 1995[a]	10 January 1996
Kuwait	7 June 1990	21 October 1991	20 November 1991
Kyrgyzstan		7 October 1994	6 November 1994
Lao People's Democratic Republic		8 May 1991[a]	7 June 1991
Latvia		14 April 1992[a]	14 May 1992
Lebanon	26 January 1990	14 May 1991	13 June 1991
Lesotho	21 August 1990	10 March 1992	9 April 1992
Liberia	26 April 1990	4 June 1993	4 July 1993
Libyan Arab Jamahiriya		15 April 1993[a]	15 May 1993
Liechtenstein	30 September 1990	22 December 1995	21 January 1996
Lithuania		31 January 1992[a]	1 March 1992
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Madagascar	19 April 1990	19 March 1991	18 April 1991
Malawi		2 January 1991[a]	1 February 1991
Malaysia		17 February 1995[a]	19 March 1995
Maldives	21 August 1990	11 February 1991	13 March 1991
Mali	26 January 1990	20 September 1990	20 October 1990
Malta	26 January 1990	30 September 1990	30 October 1990
Marshall Islands	14 April 1993	4 October 1993	3 November 1993
Mauritania	26 January 1990	16 May 1991	15 June 1991
Mauritius		26 July 1990[a]	2 September 1990
Mexico	26 January 1990	21 September 1990	21 October 1990
Micronesia (Federated States of)		5 May 1993[a]	4 June 1993
Monaco		21 June 1993[a]	21 July 1993
Mongolia	26 January 1990	5 July 1990	2 September 1990
Morocco	26 January 1990	21 June 1993	21 July 1993
Mozambique	30 September 1990	26 April 1994	26 May 1994
Myanmar		15 July 1991[a]	14 August 1991
Namibia	26 September 1990	30 September 1990	30 October 1990
Nauru		27 July 1994[a]	26 August 1994

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
Nepal	26 January 1990	14 September 1990	14 October 1990
Netherlands	26 January 1990	6 February 1995	7 March 1995
New Zealand	1 October 1990	6 April 1993	6 May 1993
Nicaragua	6 February 1990	5 October 1990	4 November 1990
Niger	26 January 1990	30 September 1990	30 October 1990
Nigeria	26 January 1990	19 April 1991	19 May 1991
Niue		20 December 1995[a]	19 January 1996
Norway	26 January 1990	8 January 1991	7 February 1991
Oman		9 December 1996[a]	8 January 1997
Pakistan	20 September 1990	12 November 1990	12 December 1990
Palau		4 August 1995[a]	3 September 1995
Panama	26 January 1990	12 December 1990	11 January 1991
Papua New Guinea	30 September 1990	1 March 1993	31 March 1993
Paraguay	4 April 1990	25 September 1990	25 October 1990
Peru	26 January 1990	4 September 1990	4 October 1990
Philippines	26 January 1990	21 August 1990	20 September 1990
Poland	26 January 1990	7 June 1991	7 July 1991
Portugal	26 January 1990	21 September 1990	21 October 1990
Qatar	8 December 1992	3 April 1995	3 May 1995
Republic of Korea	25 September 1990	20 November 1991	20 December 1991
Republic of Moldova		26 January 1993[a]	25 February 1993
Romania	26 January 1990	28 September 1990	28 October 1990
Russian Federation	26 January 1990	16 August 1990	15 September 1990
Rwanda	26 January 1990	24 January 1991	23 February 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990	2 September 1990
Saint Lucia		16 June 1993[a]	16 July 1993
Saint Vincent and the Grenadines	20 September 1993	26 October 1993	25 November 1993
Samoa	30 September 1990	29 November 1994	29 December 1994
San Marino		25 November 1991[a]	25 December 1991
Sao Tome and Principe		14 May 1991[a]	13 June 1991

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
Saudi Arabia		26 January 1996[a]	25 February 1996
Senegal	26 January 1990	31 July 1990	2 September 1990
Seychelles		7 September 1990[a]	7 October 1990
Sierra Leone	13 February 1990	18 June 1990	2 September 1990
Singapore		5 October 1995[a]	4 November 1995
Slovakia[b]			1 January 1993
Slovenia[b]			25 June 1991
Solomon Islands		10 April 1995[a]	10 May 1995
South Africa	29 January 1993	16 June 1995	16 July 1995
Spain	26 January 1990	6 December 1990	5 January 1991
Sri Lanka	26 January 1990	12 July 1991	11 August 1991
Sudan	24 July 1990	3 August 1990	2 September 1990
Suriname	26 January 1990	1 March 1993	31 March 1993
Swaziland	22 August 1990	7 September 1995	6 October 1995
Sweden	26 January 1990	29 June 1990	2 September 1990
Switzerland	1 May 1991	24 February 1997	26 March 1997
Syrian Arab Republic	18 September 1990	15 July 1993	14 August 1993
Tajikistan		26 October 1993[a]	25 November 1993
Thailand		27 March 1992[a]	26 April 1992
The former Yugoslav Republic of Macedonia[b]			17 September 1991
Togo	26 January 1990	1 August 1990	2 September 1990
Tonga		6 November 1995[a]	6 December 1995
Trinidad and Tobago	30 September 1990	5 December 1991	4 January 1992
Tunisia	26 February 1990	30 January 1992	29 February 1992
Turkey	14 September 1990	4 April 1995	4 May 1995
Turkmenistan		20 September 1993[a]	19 October 1993
Tuvalu		22 September 1995[a]	22 October 1995
Uganda	17 August 1990	17 August 1990	16 September 1990
Ukraine	21 February 1991	28 August 1991	27 September 1991
United Arab Emirates		3 January 1997[a]	2 February 1997

States	Date of signature	Date of receipt of instrument of ratification/ accession	Date of entry into force
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991	15 January 1992
United Republic of Tanzania	1 June 1990	10 June 1991	10 July 1991
Uruguay	26 January 1990	20 November 1990	20 December 1990
Uzbekistan		29 June 1994[a]	29 July 1994
Vanuatu	30 September 1990	7 July 1993	6 August 1993
Venezuela	26 January 1990	13 September 1990	13 October 1990
Viet Nam	26 January 1990	28 February 1990	2 September 1990
Yemen	13 February 1990	1 May 1991	31 May 1991
Yugoslavia	26 January 1990	3 January 1991	2 February 1991
Zambia	30 September 1990	5 December 1991	5 January 1992
Zimbabwe	8 March 1990	11 September 1990	11 October 1990

Annex II

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

Name of member	Country of nationality
Mr. Jacob Egbert DOEK**	Netherlands
Mrs. Amina Hamza EL GUINDI**	Egypt
Mr. Francesco Paolo FULCI*	Italy
Mrs. Judith KARP**	Israel
Mrs. Nafsiah MBOI*	Indonesia
Mrs. Esther Margaret Queen MOKHUANE*	South Africa
Mrs. Awa N'Deye OUEDRAOGO**	Burkina Faso
Mr. Ghassan Salim RABAH*	Lebanon
Mrs. Marilia SARDENBERG*	Brazil
Mrs. Elisabeth TIGERSTEDT-TÄHTELÄ**	Finland

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* Term expires on 28 February 2001.

** Term expires on 28 February 2003.

Annex III

STATUS OF SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 4 FEBRUARY 2000

Initial reports due in 1992

State party	Date of entry into force	Date due	Date of submission	Symbol
Bangladesh	2 September 1990	1 September 1992	15 November 1995	CRC/C/3/Add.38 and Add.49
Barbados	8 November 1990	7 November 1992	12 September 1996	CRC/C/3/Add.45
Belarus	31 October 1990	30 October 1992	12 February 1993	CRC/C/3/Add.14
Belize	2 September 1990	1 September 1992	1 November 1996	CRC/C/3/Add.46
Benin	2 September 1990	1 September 1992	22 January 1997	CRC/C/3/Add.52
Bhutan	2 September 1990	1 September 1992	20 April 1999	CRC/C/3/Add.59
Bolivia	2 September 1990	1 September 1992	14 September 1992	CRC/C/3/Add.2
Brazil	24 October 1990	23 October 1992		
Burkina Faso	30 September 1990	29 September 1992	7 July 1993	CRC/C/3/Add.19
Burundi	18 November 1990	17 November 1992	19 March 1998	CRC/C/3/Add.58
Chad	1 November 1990	31 October 1992	14 January 1997	CRC/C/3/Add.50
Chile	12 September 1990	11 September 1992	22 June 1993	CRC/C/3/Add.18
Costa Rica	20 September 1990	20 September 1992	28 October 1992	CRC/C/3/Add.8
Democratic People's Republic of Korea	21 October 1990	20 October 1992	13 February 1996	CRC/C/3/Add.41
Democratic Republic of the Congo	27 October 1990	26 October 1992	16 February 1998	CRC/C/3/Add.57

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Ecuador	2 September 1990	1 September 1992	11 June 1996	CRC/C/3/Add.44
Egypt	2 September 1990	1 September 1992	23 October 1992	CRC/C/3/Add.6
El Salvador	2 September 1990	1 September 1992	3 November 1992	CRC/C/3/Add.9 and Add.28
France	6 September 1990	5 September 1992	8 April 1993	CRC/C/3/Add.15
Gambia	7 September 1990	6 September 1992	20 November 1999	CRC/C/3/Add.61
Ghana	2 September 1990	1 September 1992	20 November 1995	CRC/C/3/Add.39
Grenada	5 December 1990	4 December 1992	24 September 1997	CRC/C/3/Add.55
Guatemala	2 September 1990	1 September 1992	5 January 1995	CRC/C/3/Add.33
Guinea	2 September 1990	1 September 1992	20 November 1996	CRC/C/3/Add.48
Guinea-Bissau	19 September 1990	18 September 1992		
Holy See	2 September 1990	1 September 1992	2 March 1994	CRC/C/3/Add.27
Honduras	9 September 1990	8 September 1992	11 May 1993	CRC/C/3/Add.17
Indonesia	5 October 1990	4 October 1992	17 November 1992	CRC/C/3/Add.10 and Add.26
Kenya	2 September 1990	1 September 1992	13 January 2000	CRC/C/3/Add.62
Mali	20 October 1990	19 October 1992	2 April 1997	CRC/C/3/Add.53
Malta	30 October 1990	29 October 1992	26 December 1997	CRC/C/3/Add.56
Mauritius	2 September 1990	1 September 1992	25 July 1995	CRC/C/3/Add.36
Mexico	21 October 1990	20 October 1992	15 December 1992	CRC/C/3/Add.11
Mongolia	2 September 1990	1 September 1992	20 October 1994	CRC/C/3/Add.32
Namibia	30 October 1990	29 October 1992	21 December 1992	CRC/C/3/Add.12

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Nepal	14 October 1990	13 October 1992	10 April 1995	CRC/C/3/Add.34
Nicaragua	4 November 1990	3 November 1992	12 January 1994	CRC/C/3/Add.25
Niger	30 October 1990	29 October 1992		
Pakistan	12 December 1990	11 December 1992	25 January 1993	CRC/C/3/Add.13
Paraguay	25 October 1990	24 October 1992	30 August 1993 and 13 November 1996	CRC/C/3/Add.22 and Add.47
Peru	4 October 1990	3 October 1992	28 October 1992	CRC/C/3/Add.7 and Add.24
Philippines	20 September 1990	19 September 1992	21 September 1993	CRC/C/3/Add.23
Portugal	21 October 1990	20 October 1992	17 August 1994	CRC/C/3/Add.30
Romania	28 October 1990	27 October 1992	14 April 1993	CRC/C/3/Add.16
Russian Federation	15 September 1990	14 September 1992	16 October 1992	CRC/C/3/Add.5
Saint Kitts and Nevis	2 September 1990	1 September 1992	21 January 1997	CRC/C/3/Add.51
Senegal	2 September 1990	1 September 1992	12 September 1994	CRC/C/3/Add.31
Seychelles	7 October 1990	6 October 1992		
Sierra Leone	2 September 1990	1 September 1992	10 April 1996	CRC/C/3/Add.43
Sudan	2 September 1990	1 September 1992	29 September 1992	CRC/C/3/Add.3 and Add.20

Initial reports due in 1992

State party	Date of entry into force	Date due	Date of submission	Symbol
Sweden	2 September 1990	1 September 1992	7 September 1992	CRC/C/3/Add.1
Togo	2 September 1990	1 September 1992	27 February 1996	CRC/C/3/Add.42
Uganda	16 September 1990	15 September 1992	1 February 1996	CRC/C/3/Add.40
Uruguay	20 December 1990	19 December 1992	2 August 1995	CRC/C/3/Add.37
Venezuela	13 October 1990	12 October 1992	9 July 1997	CRC/C/3/Add.54
Viet Nam	2 September 1990	1 September 1992	30 September 1992	CRC/C/3/Add.4 and Add.21
Zimbabwe	11 October 1990	10 October 1992	23 May 1995	CRC/C/3/Add.35
Initial reports due in 1993				
Angola	4 January 1991	3 January 1993		
Argentina	3 January 1991	2 January 1993	17 March 1993	CRC/C/8/Add.2 and Add.17
Australia	16 January 1991	15 January 1993	8 January 1996	CRC/C/8/Add.31
Bahamas	22 March 1991	21 March 1993		
Bulgaria	3 July 1991	2 July 1993	29 September 1995	CRC/C/8/Add.29
Colombia	27 February 1991	26 February 1993	14 April 1993	CRC/C/8/Add.3
Côte d'Ivoire	6 March 1991	5 March 1993	22 January 1998	CRC/C/8/Add.41
Croatia	7 November 1991	6 November 1993	8 November 1994	CRC/C/8/Add.19
Cuba	20 September 1991	19 September 1993	27 October 1995	CRC/C/8/Add.30
Cyprus	9 March 1991	8 March 1993	22 December 1994	CRC/C/8/Add.24

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Denmark	18 August 1991	17 August 1993	14 September 1993	CRC/C/8/Add.8
Djibouti	5 January 1991	4 January 1993	17 February 1998	CRC/C/8/Add.39
Dominica	12 April 1991	11 April 1993		
Dominican Republic	11 July 1991	10 July 1993	1 December 1999	CRC/C/8/Add.40
Estonia	20 November 1991	19 November 1993		
Ethiopia	13 June 1991	12 June 1993	10 August 1995	CRC/C/8/Add.27
Finland	20 July 1991	19 July 1993	12 December 1994	CRC/C/8/Add.22
Guyana	13 February 1991	12 February 1993		
Hungary	6 November 1991	5 November 1993	28 June 1996	CRC/C/8/Add.34
Israel	2 November 1991	1 November 1993		
Italy	5 October 1991	4 October 1993	11 October 1994	CRC/C/8/Add.18
Jamaica	13 June 1991	12 June 1993	25 January 1994	CRC/C/8/Add.12
Jordan	23 June 1991	22 June 1993	25 May 1993	CRC/C/8/Add.4
Kuwait	20 November 1991	19 November 1993	23 August 1996	CRC/C/8/Add.35
Lao People's Democratic Republic	7 June 1991	6 June 1993	18 January 1996	CRC/C/8/Add.32
Lebanon	13 June 1991	12 June 1993	21 December 1994	CRC/C/8/Add.23
Madagascar	18 April 1991	17 May 1993	20 July 1993	CRC/C/8/Add.5
Malawi	1 February 1991	31 January 1993		
Maldives	13 March 1991	12 March 1993	6 July 1994	CRC/C/8/Add.33 and Add.37
Mauritania	15 June 1991	14 June 1993	18 January 2000	CRC/C/8/Add.42

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Myanmar	14 August 1991	13 August 1993	14 September 1995	CRC/C/8/Add.9
Nigeria	19 May 1991	18 May 1993	19 July 1995	CRC/C/8/Add.26
Norway	7 February 1991	6 February 1993	30 August 1993	CRC/C/8/Add.7
Panama	11 January 1991	10 January 1993	19 September 1995	CRC/C/8/Add.28
Poland	7 July 1991	6 July 1993	11 January 1994	CRC/C/8/Add.11
Republic of Korea	20 December 1991	19 December 1993	17 November 1994	CRC/C/8/Add.21
Rwanda	23 February 1991	22 February 1993	30 September 1992	CRC/C/8/Add.1
San Marino	25 December 1991	24 December 1993		
Sao Tome and Principe	13 June 1991	12 June 1993		
Slovenia	25 June 1991	24 June 1993	29 May 1995	CRC/C/8/Add.25
Spain	5 January 1991	4 January 1993	10 August 1993	CRC/C/8/Add.6
Sri Lanka	11 August 1991	10 August 1993	23 March 1994	CRC/C/8/Add.13
The former Yugoslav Republic of Macedonia	17 September 1991	16 September 1993	4 March 1997	CRC/C/8/Add.36
Ukraine	27 September 1991	26 September 1993	8 October 1993	CRC/C/8/Add.10/Rev.1
United Republic of Tanzania	10 July 1991	9 July 1993	20 October 1999	CRC/C/8/Add.14/Rev.1
Yemen	31 May 1991	30 May 1993	14 November 1994	CRC/C/8/Add.20 and Add.38
Yugoslavia	2 February 1991	1 February 1993	21 September 1994	CRC/C/8/Add.16

Initial reports due in 1994

State party	Date of entry into force	Date due	Date of submission	Symbol
Albania	28 March 1992	27 March 1994		
Austria	5 September 1992	4 September 1994	8 October 1996	CRC/C/11/Add.14
Azerbaijan	12 September 1992	11 September 1994	9 November 1995	CRC/C/11/Add.8
Bahrain	14 March 1992	14 March 1994		
Belgium	15 January 1992	14 January 1994	12 July 1994	CRC/C/11/Add.4
Bosnia and Herzegovina	6 March 1992	5 March 1994		
Cambodia	14 November 1992	15 November 1994	18 December 1997	CRC/C/11/Add.16
Canada	12 January 1992	11 January 1994	17 June 1994	CRC/C/11/Add.3
Cape Verde	4 July 1992	3 July 1994	30 November 1999	CRC/C/11/Add.23
Central African Republic	23 May 1992	23 May 1994	15 April 1998	CRC/C/11/Add.18
China	1 April 1992	31 March 1994	27 March 1995	CRC/C/11/Add.7
Czech Republic	1 January 1993	31 December 1994	4 March 1996	CRC/C/11/Add.11
Equatorial Guinea	15 July 1992	14 July 1994		
Germany	5 April 1992	4 May 1994	30 August 1994	CRC/C/11/Add.5
Iceland	27 November 1992	26 November 1994	30 November 1994	CRC/C/11/Add.6
Ireland	28 October 1992	27 October 1994	4 April 1996	CRC/C/11/Add.12
Latvia	14 May 1992	13 May 1994	25 November 1998	CRC/C/11/Add.22
Lesotho	9 April 1992	8 April 1994	27 April 1998	CRC/C/11/Add.20
Lithuania	1 March 1992	28 February 1994	6 August 1998	CRC/C/11/Add.21
Slovakia	1 January 1993	31 December 1994	6 April 1998	CRC/C/11/Add.17

Initial reports due in 1994 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Thailand	26 April 1992	25 April 1994	23 August 1996	CRC/C/11/Add.13
Trinidad and Tobago	4 January 1992	3 January 1994	16 February 1996	CRC/C/11/Add.10
Tunisia	29 February 1992	28 February 1994	16 May 1994	CRC/C/11/Add.2
United Kingdom of Great Britain and Northern Ireland	15 January 1992	14 January 1994	15 March 1994	CRC/C/11/Add.1, Add.9, Add.15 and Add.15/Corr.1, Add.19
Zambia	5 January 1992	4 January 1994		

Initial reports due in 1995

State party	Date of entry into force	Date due	Date of submission	Symbol
Algeria	16 May 1993	15 May 1995	16 November 1995	CRC/C/28/Add.4
Antigua and Barbuda	4 November 1993	3 November 1995		
Armenia	23 July 1993	5 August 1995	19 February 1997	CRC/C/28/Add.9
Cameroon	10 February 1993	9 February 1995		
Comoros	22 July 1993	21 July 1995	24 March 1998	CRC/C/28/Add.13
Congo	13 November 1993	12 November 1995		
Fiji	12 September 1993	11 September 1995	12 June 1996	CRC/C/28/Add.7
Greece	10 June 1993	9 June 1995		
India	11 January 1993	10 January 1995	19 March 1997	CRC/C/28/Add.10
Liberia	4 July 1993	3 July 1995		

Initial reports due in 1995 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Libyan Arab Jamahiriya	15 May 1993	14 May 1995	23 May 1996	CRC/C/28/Add.6
Marshall Islands	3 November 1993	2 November 1995	18 March 1998	CRC/C/28/Add.12
Micronesia (Federated States of)	4 June 1993	3 June 1995	16 April 1996	CRC/C/28/Add.5
Monaco	21 July 1993	20 July 1995	9 June 1999	CRC/C/28/Add.15
Morocco	21 July 1993	20 July 1995	27 July 1995	CRC/C/28/Add.1
New Zealand	6 May 1993	5 May 1995	29 September 1995	CRC/C/28/Add.3
Papua New Guinea	31 March 1993	31 March 1995		
Republic of Moldova	25 February 1993	24 February 1995		
Saint Lucia	16 July 1993	15 July 1995		
Saint Vincent and the Grenadines	25 November 1993	24 November 1995		
Suriname	31 March 1993	31 March 1995	13 February 1998	CRC/C/28/Add.11
Syrian Arab Republic	14 August 1993	13 August 1995	22 September 1995	CRC/C/28/Add.2
Tajikistan	25 November 1993	24 November 1995	14 April 1998	CRC/C/28/Add.14
Turkmenistan	20 October 1993	19 October 1995		
Vanuatu	6 August 1993	5 August 1995	27 January 1997	CRC/C/28/Add.8

Initial reports due in 1996

State party	Date of entry into force	Date due	Date of submission	Symbol
Afghanistan	27 April 1994	26 April 1996		
Gabon	11 March 1994	10 March 1996		
Luxembourg	6 April 1994	5 April 1996	26 July 1996	CRC/C/41/Add.2
Japan	22 May 1994	21 May 1996	30 May 1996	CRC/C/41/Add.1
Mozambique	26 May 1994	25 May 1996		
Georgia	2 July 1994	1 July 1996	7 April 1997	CRC/C/41/Add.4
Iraq	15 July 1994	14 July 1996	6 August 1996	CRC/C/41/Add.3
United Kingdom of Great Britain and Northern Ireland (Overseas Territories)	7 September 1994	6 September 1996	26 May 1999	CRC/C/41/Add.7
Uzbekistan	29 July 1994	28 July 1996	27 December 1999	CRC/C/41/Add.8
Iran (Islamic Republic of)	12 August 1994	11 August 1996	9 December 1997	CRC/C/41/Add.5
Nauru	26 August 1994	25 August 1996		
Eritrea	2 September 1994	1 September 1996		
Kazakhstan	11 September 1994	10 September 1996		
Kyrgyzstan	6 November 1994	5 November 1996	16 February 1998	CRC/C/41/Add.6
Samoa	29 December 1994	28 December 1996		

Initial reports due in 1997

State party	Date of entry into force	Date due	Date of submission	Symbol
Netherlands	7 March 1995	6 March 1997	15 May 1997	CRC/C/51/Add.1
Malaysia	19 March 1995	18 March 1997		
Botswana	13 April 1995	12 April 1997		
Qatar	3 May 1995	2 May 1997	29 October 1999	CRC/C/51/Add.5
Turkey	4 May 1995	3 May 1997		
Solomon Islands	10 May 1995	9 May 1997		
Haiti	8 July 1995	7 July 1997		
South Africa	16 July 1995	15 July 1997	4 December 1997	CRC/C/51/Add.2
Palau	3 September 1995	3 September 1997	21 October 1998	CRC/C/51/Add.3
Swaziland	6 October 1995	5 October 1997		
Tuvalu	22 October 1995	21 October 1997		
Singapore	4 November 1995	3 November 1997		
Tonga	6 December 1995	5 December 1997		

Initial reports due in 1998

State party	Date of entry into force	Date due	Date of submission	Symbol
Kiribati	10 January 1996	9 January 1998		
Niue	19 January 1996	18 January 1998		
Liechtenstein	21 January 1996	20 January 1998	22 September 1998	CRC/C/61/Add.1
Brunei Darussalam	26 January 1996	25 January 1998		
Andorra	1 February 1996	31 January 1998		
Saudi Arabia	25 February 1996	24 February 1998	21 October 1999	CRC/C/61/Add.2

Initial reports due in 1999

State party	Date of entry into force	Date due	Date of submission	Symbol
Oman	8 January 1997	7 January 1999	5 July 1999	CRC/C/78/Add.1
United Arab Emirates	2 February 1997	1 February 1999		
Switzerland	26 March 1997	25 March 1999		
Cook Islands	6 July 1997	5 July 1999		

Second periodic reports due in 1997

State party	Date due	Date of submission	Symbol
Bangladesh	1 September 1997		
Barbados	7 November 1997		
Belarus	30 October 1997	20 May 1999	CRC/C/65/Add.14
Belize	1 September 1997		
Benin	1 September 1997		
Bhutan	1 September 1997		
Bolivia	1 September 1997	12 August 1997	CRC/C/65/Add.1
Brazil	23 October 1997		
Burkina Faso	29 September 1997	11 October 1999	CRC/C/65/Add.18
Burundi	17 November 1997		
Chad	31 October 1997		
Chile	11 September 1997	10 February 1999	CRC/C/65/Add.13
Costa Rica	20 September 1997	20 January 1998	CRC/C/65/Add.7
Democratic People's Republic of Korea	20 October 1997		
Democratic Republic of the Congo	26 October 1997		
Ecuador	1 September 1997		
Egypt	1 September 1997	18 September 1998	CRC/C/65/Add.9
El Salvador	1 September 1997		
France	5 September 1997		
Gambia	6 September 1997		
Ghana	1 September 1997		
Grenada	4 December 1997		
Guatemala	1 September 1997	7 October 1998	CRC/C/65/Add.10
Guinea	1 September 1997		
Guinea-Bissau	18 September 1997		
Holy See	1 September 1997		
Honduras	8 September 1997	18 September 1997	CRC/C/65/Add.2
Indonesia	4 October 1997		
Kenya	1 September 1997		
Mali	19 October 1997		
Malta	29 October 1997		
Mauritius	1 September 1997		
Mexico	20 October 1997	14 January 1998	CRC/C/65/Add.6
Mongolia	1 September 1997		
Namibia	29 October 1997		

Second periodic reports due in 1997 (continued)

State party	Date due	Date of submission	Symbol
Nepal	13 October 1997		
Nicaragua	3 November 1997	12 November 1997	CRC/C/65/Add.4
Niger	29 October 1997		
Pakistan	11 December 1997		
Paraguay	24 October 1997	12 October 1998	CRC/C/65/Add.12
Peru	3 October 1997	25 March 1998	CRC/C/65/Add.8
Philippines	19 September 1997		
Portugal	20 October 1997	8 October 1998	CRC/C/65/Add.11
Romania	27 October 1997	18 January 2000	CRC/C/65/Add.19
Russian Federation	14 September 1997	12 January 1998	CRC/C/65/Add.5
Saint Kitts and Nevis	1 September 1997		
Senegal	1 September 1997		
Seychelles	6 October 1997		
Sierra Leone	1 September 1997		
Sudan	1 September 1997	7 July 1999	CRC/C/65/Add.15
Sweden	1 September 1997	25 September 1997	CRC/C/65/Add.3
Togo	1 September 1997		
Uganda	15 September 1997		
Uruguay	19 December 1997		
Venezuela	12 October 1997		
Viet Nam	1 September 1997		
Zimbabwe	10 October 1997		

Second periodic reports due in 1998

State party	Date due	Date of submission	Symbol
Angola	3 January 1998		
Argentina	2 January 1998	12 August 1999	CRC/C/70/Add.16
Australia	15 January 1998		
Bahamas	21 March 1998		
Bulgaria	2 July 1998		
Colombia	26 February 1998	9 September 1998	CRC/C/70/Add.5
Côte d'Ivoire	5 March 1998		
Croatia	7 October 1998		
Cuba	19 September 1998		
Cyprus	8 March 1998		

Second periodic reports due in 1998 (continued)

State party	Date due	Date of submission	Symbol
Denmark	17 August 1998	15 September 1998	CRC/C/70/Add.6
Djibouti	4 January 1998		
Dominica	11 April 1998		
Dominican Republic	10 July 1998		
Estonia	19 November 1998		
Ethiopia	12 June 1998	28 September 1998	CRC/C/70/Add.7
Finland	19 July 1998	3 August 1998	CRC/C/70/Add.3
Guyana	12 February 1998		
Hungary	5 November 1998		
Israel	1 November 1998		
Italy	4 October 1998		
Jamaica	12 June 1998		
Jordan	22 June 1998	5 August 1998	CRC/C/70/Add.4
Kuwait	19 November 1998		
Lao People's Democratic Republic	6 June 1998		
Lebanon	12 June 1998	4 December 1998	CRC/C/70/Add.8
Madagascar	17 April 1998		
Malawi	31 January 1998		
Maldives	12 March 1998		
Mauritania	14 June 1998		
Myanmar	13 August 1998		
Nigeria	18 May 1998		
Norway	6 February 1998	1 July 1998	CRC/C/70/Add.2
Panama	10 January 1998		
Poland	6 July 1998	2 December 1999	CRC/C/70/Add.12
Republic of Korea	19 December 1998		
Rwanda	22 February 1998		
San Marino	24 December 1998		
Sao Tome and Principe	12 June 1998		
Slovenia	24 June 1998		

Second periodic reports due in 1998 (continued)

State party	Date due	Date of submission	Symbol
Spain	4 January 1998	1 June 1999	CRC/C/70/Add.9
Sri Lanka	10 August 1998		
The former Yugoslav Republic of Macedonia	16 September 1998		
Ukraine	26 September 1998	12 August 1999	CRC/C/70/Add.11
United Republic of Tanzania	9 July 1998		
Yemen	30 May 1998	3 February 1998	CRC/C/70/Add.1
Yugoslavia	1 February 1998		

Second periodic reports due in 1999

State party	Date due	Date of submission	Symbol
Albania	27 March 1999		
Austria	4 September 1999		
Azerbaijan	11 September 1999		
Bahrain	14 March 1999		
Belgium	15 January 1999	7 May 1999	CRC/C/83/Add.2
Bosnia and Herzegovina	5 March 1999		
Cambodia	15 November 1999		
Canada	11 January 1999		
Cape Verde	3 July 1999		
Central African Republic	23 May 1999		
China	31 March 1999		
Czech Republic	31 December 1999		
Equatorial Guinea	14 July 1999		
Germany	4 May 1999		
Iceland	26 November 1999		
Ireland	27 October 1999		
Latvia	13 May 1999		
Lesotho	8 April 1999		
Lithuania	28 February 1999		
Slovakia	31 December 1999		

Second periodic reports due in 1999 (continued)

State party	Date due	Date of submission	Symbol
Thailand	25 April 1999		
Trinidad and Tobago	3 January 1999		
Tunisia	28 February 1999	16 March 1999	CRC/C/83/Add.1
United Kingdom of Great Britain and Northern Ireland	14 January 1999	14 September 1999	CRC/C/83/Add.3
Zambia	4 January 1999		
	Second periodic reports due in 2000		
Algeria	15 May 2000		
Antigua and Barbuda	3 November 2000		
Armenia	5 August 2000		
Cameroon	9 February 2000		
Comoros	21 July 2000		
Congo	12 November 2000		
Federated States of Micronesia	3 June 2000		
Fiji	11 September 2000		
Greece	9 June 2000		
India	10 January 2000		
Liberia	3 July 2000		
Libyan Arab Jamahiriya	14 May 2000		
Marshall Islands	2 November 2000		
Monaco	20 July 2000		
Morocco	20 July 2000		
New Zealand	5 May 2000		
Papua New Guinea	31 March 2000		
Republic of Moldova	24 February 2000		
Saint Lucia	15 July 2000		
Saint Vincent and the Grenadines	24 November 2000		
Suriname	31 March 2000		
Syrian Arab Republic	13 August 2000		
Tajikistan	24 November 2000		
Turkmenistan	19 October 2000		
Vanuatu	5 August 2000		

Annex IV

REPUBLIC OF IRAQ
Ministry of Foreign Affairs

Date: November 1998

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Chairman of the Committee on the Rights of the Child and acknowledges receipt of the concluding observations adopted on 9 October 1998 (CRC/C/15/Add.94) concerning Iraq's initial report which was considered on 23 and 24 September 1998.

We find that the concluding observations concerning important aspects of the report differ from the views expressed in the summary records of the discussions that were held in the presence of the delegation of the Republic of Iraq. Hence, we feel obliged to make the following objective comments on those concluding observations and to request their submission with the Committee's report to the General Assembly:

1. The observations make no reference to the fact that the delegation of Iraq invited three members of your distinguished Committee to visit Iraq in order to obtain first-hand knowledge of the situation of Iraqi children. The failure to accept or reject that invitation constitutes an inexplicable response to Iraq's positive offer to cooperate with the Committee.

2. The observation contained in paragraph 5, concerning the embargo and its effects on the implementation of the Convention, is incomplete insofar as it does not reflect the discussions held and the proposals made to the Committee, particularly at the 484th meeting on 24 September 1998, concerning the need to appeal to the international community to lift the embargo as specified in Decision 1998/114 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to which reference was made in the same observation. This implies that the observation was formulated in a consensual manner under the influence of factors that had nothing to do with the substance of the discussions and are alien to the impartial nature of the expert members of the Committee.

3. All the recommendations contained in paragraphs 23, 26, 27 and 28 relate to the effects of the embargo, illustrated by the deteriorating health and nutritional situation of children, school drop-outs, the early employment of children and the question of children living and/or working on the streets. However, the impact of the embargo in this regard is referred to only in paragraph 25 concerning the effect of current economic conditions in the State on school drop-outs. Those recommendations fail to mention the consequences of the lack of resources available to the State, to which reference is made in article 4 of the Convention on the Rights of the Child and in General Comment No. 8 adopted by the Committee on Economic, Social and Cultural Rights in 1997, as noted in paragraph 5 which indicated that the embargo had adversely affected the rights of children to survival, health and education, which form the subject of paragraphs 23, 26 and 27.

We trust that the text of this note will be attached to the report on the Committee's activities during its nineteenth session, which will be submitted to the General Assembly of the United Nations.

The Ministry takes this opportunity to convey the assurances of its highest consideration.